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# FEARS FOR DEMOCRACY

REGARDED

FROM THE AMERICAN POINT OF VIEW.

BY

CHARLES INGERSOLL.

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"La liberté est un aliment de bon suc, mais de forte digestion ; il faut des estomacs bien sains pour le supporter."

J. J. ROUSSEAU.

PHILADELPHIA:

J. B. LIPPINCOTT & CO.

1875.



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## P R E F A C E.

THESE pages, which have been much curtailed from what were prepared for the press, in the hope, by diminishing their number, of increasing the chance of their being read, rest on a position, not, indeed, very new, that it is from the people government like ours must take its measure; that demoeratic institutions are meaningless when the people leave the watch; beginning to flag when a single citizen deserts his duty; and getting worse and worse as skulking goes on.

Democraey is now, and always has been, a word of fear in the United States; it is so everywhere. But whatever we have we owe to it. Prince Gortschakoff, in the darkness of Russian despotism, may be an honester man than Mr. Disraeli; but the Englishman stands in the light; he accounts, if not to the people, to the country.

On this idea our institutions rest. We trust society. But it is composed of materials bad and good. If our institutions reflect only the bad materials, government is bad and the laws badly administered. They are good, or, as good as they can be made, when they reflect all. If, reflecting all, they are, still, bad, the experiment we make, and which every political philosopher, even the most hopeful, Mr. Jefferson, for example, has regarded as an experiment, fails, so far. Not entirely, but so far.

Every candid man must admit that society, with us so highly capable, does not infuse itself into government. Government is not inspired by all, but, as in other parts of the world, by the few. It means the few, not the many. It has the same vice here as everywhere.

There are at least two stages of the experiment of representative democracy. There is the experiment whether the masses possess will and stuff enough of character to have themselves represented; and there is, afterwards, the experiment whether a government which does represent them is capable of governing.

Under monarchical institutions the central idea is the divinity of the king; whom it is a religion to respect, though he be the meanest of mortals. Under democratic institutions the central idea is the divinity of the people; but we do not respect them at all.

The word *democracy* is used by the author, only, in its broad sense, not that of party. We are a democracy, a representative one; and there can be no party in the United States, whatever it may call itself, that is not democratic. It was meant, at first, in the questions here considered, not to touch points on which there are party differences, but that was found impossible, and given up. Party the writer must see (as who does not?) through the mists of his prejudices, and have for his errors, if he fall into them, the excuse that all have.

PHILADELPHIA, December, 1874.



## CONTENTS.

### CHAPTER I.

	PAGE
Democracy at the Time of the Revolution . . . . .	9

### CHAPTER II.

Democracy in the Federal Convention . . . . .	17
---	----

### CHAPTER III.

Democracy an Experiment . . . . .	79
-----------------------------------	----

### CHAPTER IV.

Democracy under the New Government . . . . .	87
--	----

### CHAPTER V.

Democracy comes into Power . . . . .	114
--------------------------------------	-----

### CHAPTER VI.

Apathy of the People . . . . .	134
--------------------------------	-----

### CHAPTER VII.

Democracy tested by the Institution of Domestic Slavery . . . . .	148
--	-----

## C H A P T E R V I I I .

	PAGE
Federalism . . . . .	222

## C H A P T E R I X .

Democracy has to make its Way against Established Ideas and the Force of Authority . . . . .	240
--	-----

## C H A P T E R X .

Predictions . . . . .	257
-----------------------	-----

## C H A P T E R XI .

Recapitulation . . . . .	265
--------------------------	-----

## C H A P T E R XII .

Concluding Observations . . . . .	271
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# FEARS FOR DEMOCRACY

REGARDED

FROM THE AMERICAN POINT OF VIEW.

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## CHAPTER I.

DEMOCRACY AT THE TIME OF THE REVOLUTION.

### SECTION I.

INTRODUCTORY.

THE world resounds with pæans to liberty, but not with the praises of democracy, though without democracy liberty is incomplete. Those who have thought and written for the instruction and amusement of mankind have been, commonly, in the interest of the great, and of those children of fortune whose support and patronage could be profitable, but whose inclinations are not with the people. Shakspeare, writing to please, three centuries ago, made the masses contemptible alike for tragedy and comedy; and, at the end of the last century, a demagogue, who exclaimed, *the people, the poor*

*people*, was denounced, not because he was a wretch who cared for nobody, but because he made his exclamation in the sense of a declared and deadly foe of the aristocracy. It was their cue to think the people vile. Shall they be always thought vile? To say that the voice of the people is the voice of God is blasphemous; but to say that the voice of *all* must be more like the voice of God than any other that is heard on earth, is neither blasphemous nor foolish.

In the Old World, where democracy must come out of the depths of ignorance, with revolution in its wake, the many, with eager hope, and the few, with profound apprehension, look to the day when the title to power will be the gift of the people. In the New World the sentiment towards democracy is anomalous. Where the means of comfort and happiness are within the easy reach of all, democracy cannot be wholly out of favor. But it may sink, of which we have warnings; for, though the day may not return when the people will be wholly without consideration, yet the many may prove no better than the few, and government, always, remain a problem.

It cannot be superfluous, in a country which God has blessed with opportunities such as ours, to calculate some of the chances of this prodigious

experiment, of which posterity, not we, are to see the solution.

Democracy is no natural system. It is easier to be a slave than a freeman. Through men's weakness, the inclination is to power; to glitter and show; to the aristocratic; to high birth, with wealth for its accessory, and the qualities of the man consigned to the chapter of accidents. This yearning is seen in every country. It is seen, in the United States, in the ridiculous assumption of titles of honour, and the adoration of foreign rank, with a certain uneasiness at having none of our own. At Rome, though the same man might be magistrate, priest, and soldier, classification was endless. Not a small part of mankind live in *caste* to this day; people come into the world to conditions in life that are immutable. Women, who are half the world, and by their helplessness an aristocracy, being the part of creation which God has given us to toil and provide for, seldom love equality. The idea of an order of men of hereditary dignity is one which there never has been, and never will be, a time when thoughts will not recur to.

Three hundred years ago Europe was rude, and the well-born spread tables for those of inferior condition, who fed at their expense, and submitted

in return to every species of indignity. A system which compelled one of the first of human beings, because he was not privileged, to crawl at the feet of his insulter, because he was, may assort with inveterate prejudices, but it is not civilized.\*

People used to buy from princes fragments of authority, and apply them to protect their own acquisitions, which otherwise would have been wasted by the hand of power. In this way arose equality; republics in Italy and Switzerland; and cities everywhere. It was the foundation of modern liberty. Men, being judges of their own wants, purchased the right to take care of them. It was the origin of the system, which, in the United States, has gone so far; and now, there seems to be a purpose to counteract, of leaving to every patch of territory as much as possible of its government. It was the dawn of the modern democratic principle, the first concession to society; not to a class, but to the people. It was the beginning of that freedom which boasts, not, *I am a Roman citizen*, but, *I am a man*.

\* Shakspeare is believed to have been the victim of some extraordinary ill treatment on the part of a young Earl of Pembroke, and to have submitted. See Hallam's and other writers' ideas about it, Introduction to the Literature of Europe, vol. iii. pp. 37-40.

## SECTION II.

## THE REVOLUTION OF '76—PREPOSSESSIONS AGAINST DEMOCRACY.

When the Revolution began, the educated thought of America was far from democratic, it was English; but we were free, though dependent, and democracy was a social fact. This was true of some of the colonies more than of others, but everywhere a fact; and when the home government was set aside it became political as well as social. The Revolution was not a social revolution, and the principal change the colonies underwent was the transfer of allegiance; the crown passed from the king to the people. They were democratic, by dint of circumstances at work long before the Revolutionary leaders were born. Democracy was a growth; not coming of thought or study, not found by research, or in the meditations of lawgivers, but springing from the earth, like a fountain. It was the instinct of the people, the production of society, as we see society, unaided by statesmanship and learning, sometimes hindered by them, advance itself from century to century. Far from being urged by those who encouraged the people to break with the British crown, it was expressly and strongly disclaimed

by them ; but it was inevitable. Had the people, instead of being eager for it, been, like their great men, indisposed to democracy, where were the institutions to which they could turn? where the materials out of which to construct a government not democratic? where the power that was not in the people? How were they to set up a monarchy? how preserve and protect it with no aristocratic support? Democracy was a fate, and the only open question was, how much democracy.

Did, then, our fathers, the men we worship, movers of a revolution, did they repent, would they draw back, were they false to the people? They hesitated to jump in the dark ; they paused before what was terrible; terrible because it was unknown, untried, and against the prejudices and opinions of the world. Awed by the doubts, and respecting the traditions, of mankind, then controlled by prejudices wholly aristocratic, they had no confidence in the people, and gave way to democracy with reluctance. Whoever will take up and examine the works of the most liberal thinkers upon the economy of nations will be satisfied that, before our time, the capacity of society to regulate itself to the extent now attempted in the United States, never was so much as conceived or imagined.

## SECTION III.

## ANCIENT AND MODERN DEMOCRACY.

Of ancient democracy, which dates long before representation, we have a very imperfect understanding, for want of knowledge of the organization of ancient society. In the events of the old republics, their wars, tumults, and disturbances, we have the instruction of history, but we have only a faint idea of the mutual relations and daily existence of individuals. The prevalence of frightful debauchery and barbarous cruelty, side by side with exalted virtue, like those stupendous architectural remains that leave everything modern to look so puny and insignificant, of people who were, at the same time, destitute of the common conveniences and appliances of daily life, makes it probable that ancient and modern liberty differ more than we can understand, and that from the old to the new there can be neither sound argument nor safe deduction.

Modern democracy has not had its hundred years, but it seems to be making its way like a Providence, regardless what men think of it, or do. In Europe, their only democratic revolution which ran its course, that of France in 1789, was a dis-

appointment; too much was looked for. That of England in 1640 was a disappointment. In 1848, the people were a miserable failure. Nowhere in Europe have they made their proofs; nowhere in America have they achieved a triumph to silence their enemies. It is, by a large portion of the intelligence of the world, regarded askance where it is not regarded with terror.

But, by what shall it be judged? By time. Democracy came into the world as other systems came before it; as feudalism came, and then monarchy, to be judged by their works. There could be no other demonstration. Men did not know till they saw that the feudal system was to rule Europe, redeem society, rescue civilization, and restore order; that feudalism being worn out, the right of one man to rule all the rest, by the grace of God, would establish itself everywhere, and occupy the field.

## CHAPTER II.

## DEMOCRACY IN THE FEDERAL CONVENTION.

## SECTION I.

## THE CONVENTION NOT DEMOCRATIC.

THE men who met in convention, in May, 1787, to frame our fundamental laws, saw democracy as Numa saw the empire of the Cæsars; they saw its infancy, they did not see it conquer the world. The day was not come when the French Revolution, the career of their own posterity, and democratic movement everywhere, brought forward the masses, and cast a shadow on birth and station.

During the war, Washington wrote to a friend,\* who was raising a regiment, "I earnestly recommend to you to be circumspect in your choice of officers. Take none but gentlemen." A few years earlier, Mr. Adams, who succeeded Washington, as the second President of the United States, had been placed in his class, at his New England

\* Letter to Colonel George Baylor, January 9, 1777: Sparks's Washington, vol. iv. p. 269.

school. "according to the dignity of his birth" and "the rank of his parents."\*

A great experiment was to be made; a people, new in their ideas, and starting in their career, demanded at the hands of their chiefs, not pure democracy, which, necessarily, was out of the question, but an open government, with institutions that would leave to it ample scope; and the convention submitted to the consideration of the people what they called their *plan*, with more fear than hope; and with little thought that their grain of democracy would multiply to the harvest of to-day. They were not confident, like their constituents; but Mr. Madison, who knew them well, has thus recorded their deserts:† "I feel it," he says, "a duty to express my profound and solemn

\* "The distinction of ranks was observed with such punctilious nicety, that, in the arrangement of members of every class, precedence was assigned to every individual according to the dignity of his birth, or to the rank of his parents. John Adams was thus placed the fourteenth in a class of twenty-four, a station for which he was probably indebted rather to the standing of his maternal family than to that of his father." See Works of John Adams, vol. i. p. 14: Fragment of a biography of John Adams by his son John Quincy Adams.

† Madison Papers, vol. ii. p. 718: Mr. Madison's "Introduction to the Debates in the Convention."

"conviction, derived from my intimate opportunity  
"of observing and appreciating the views of the  
"convention, collectively and individually, that  
"there never was an assembly of men, charged  
"with a great and arduous trust, who were more  
"pure in their motives, or more exclusively or  
"anxiously devoted to the object committed to  
"them, than were the members of the federal con-  
"vention of 1787, to the object of devising and  
"proposing a constitutional system which should  
"best supply the defects of that which it was to  
"replace, and best secure the permanent liberty  
"and happiness of their country."

He might have added that, judged by their debates, either the convention of 1787 was a body of men very superior to the convention of their ancestors, which sat in 1688, or that in it, the people having no influence, conclusions had to be reached by processes singularly cramped. But these American statesmen, though more adventurous than those of a hundred years before, had not stirred the people to democracy, only to independence. Four years before, they were claimed as British subjects, and eleven years before, they boasted they were. The English constitution, made by nobody, a bundle of customs, which gave liberty to those high enough to reach it, was imitated as

far as possible; it was the freest the modern world had seen; and under it these gentlemen had lived, and enjoyed a large measure of liberty.

In the troubles which preceded the Revolution, and the wars and troubles that followed, the colonial feeling, of which Franklin spoke, in his examination before the British House of Commons, in 1766,\* when he said, the people of the colonies "have not only a respect but an affection for Great Britain, to be an Old England man was of itself "a character of some respect, and gave a kind of "rank among us," was yet in life; it had been shaken, but not uprooted. It was the feeling of Mr. Jefferson, after hostilities had actually begun, and Washington was in the field at the head of an army, when he said† he would rather be in

\* The celebrated examination he underwent, the 3d of February, 1766, as to the repeal of the Stamp Act. See Sparks's Franklin, vol. iv. p. 169.

† "This would be thought a hard condition to those who "still wish for re-union with their parent country. I am "sincerely one of those, and would rather be in dependence "on Great Britain, properly limited, than on any nation on "earth, or than on no nation. But I am one of those, too, "who, rather than submit to the rights of legislating for us "assumed by the British Parliament, and which late experi- "ence has shown they will so cruelly exercise, would lend "my hand to sink the whole island in the ocean." Letter to

dependence upon Great Britain, than on any nation on earth, or than on no nation. There was not in the convention one man possessed of what would be, now, called a democratic spirit. While their study was to devise institutions which might reconcile the country to their own ideas, and to more government than the people wanted, they did not run counter to the popular feeling, or trifle with it. The answer of that lawgiver to the question, what laws he had given his country, when he said, *As good as they can bear*, was profound.

We were an unhoused people in 1787, but if there had been an attempt to put on us institutions less than democratic, they would have been rejected. New ideas move slow, and those, of all others, with whom they move slowest, are the men, like those of the federal convention, who, having grown up under the old ideas, have to put new ones in action, and answer for the consequences. The members of the federal convention indulged not in the high and hopeful vein. In adjusting representation to population, it was suggested that the number of representatives in Congress might become excessive, on the proposed

Mr. Randolph, August 23, 1775: Jefferson's Works, vol. i.  
p. 201.

unalterable basis of one representative, in the lower house, to every forty thousand of population.\* The answer was, “It is not to be supposed “that the government will last so long as to pro-“duce this effect. Can it be supposed that this “vast country, including the western territory, “will, one hundred and fifty years hence, remain “one nation? . . . If the government should “continue so long, alterations may be made in the “constitution in the manner proposed in a sub-“sequent article.”

## SECTION II.

## THEIR VIEWS OF A JUDICIARY.

We go on to show in their proceedings, by the record of them,† how the members of the con-

\* Madison Papers, vol. iii. pp. 1262, 1263.

† Journal of the Federal Convention, committed by them at their adjournment to the keeping of Washington, as the President of the body, with directions to retain it “subject “to the order of Congress, if ever formed under the Constitu-“tion,” placed by him in the Department of State, and, under act of Congress of 27th March, 1818, published in 1819. Proceedings and debates in the Federal Convention, which Mr. Madison, from day to day, wrote out, and which comprise both a journal and report of debates, published after his death by Congress, with other papers of his, in the year 1840, and known as the *Madison Papers*.

vention of 1787, assembled to make a government for us, men born in a remote corner of the British realm, but educated by a revolution; citizens of a world nearly a hundred years behind ours in political knowledge, but infinitely superior to any statesmen whom, to-day, we could bring together, treated that question of democracy, to them a source of nothing but uneasiness, and to which every succeeding year adds interest and importance.

The old Confederacy may be said to have had neither Executive nor Judiciary.\* The convention resolved that the new establishment should be endowed with, what was almost unknown in those days, and still is rare, three departments or divisions of government, each independent of the others, legislative, executive, and judicial. To the judiciary they did not hesitate to give, in accordance with their decidedly conservative views, a life tenure, under executive appointment; the judges to be, except in cases of conviction of high crimes and misdemeanors, irremovable from office, and their salaries incapable of reduction. From this frame of a judicial establishment the convention do not seem to have varied for a moment. The judiciary of their republic was to be high

\* Excepting for admiralty cases.

above the reach of influence, and wholly and absolutely independent of power; more independent than that of the monarchy from which they had parted. It has, in effect, higher duties to perform.

### SECTION III.

#### THEIR VIEWS OF A LEGISLATURE—HESITATION TO SUBMIT THE CHOICE OF MEMBERS TO THE PEOPLE.

We pass to legislative power. The members of the federal convention were not elected by the people; they were delegated by the legislatures of their States. On the 31st of May, in committee of the whole, the resolution, “*that the members of the first branch of the national legislature ought to be elected by the people of the several States, being taken up,*”\* Mr. Sherman† “opposed the election by the people, insisting that it ought to be by the state legislatures. The people, he said, “immediately, should have as little to do as may be about the government. They want information, and are constantly liable to be misled. Mr.

\* Madison Papers, vol. i. pp. 753–757.

† Roger Sherman, delegate from Connecticut, member of the Congress of the Revolution, and signer of the Declaration of Independence. After the organization of the federal government, he sat in the House of Representatives, and afterwards in the Senate.

“Gerry.\* The evils we experience flow from the “excess of democracy. The people do not want “virtue, but are the dupes of pretended patriots. “In Massachusetts it had been fully confirmed by “experience, that they are daily misled into the “most baneful measures and opinions by the false “reports circulated by designing men, and which “no one on the spot can refute. One principal “evil arises from the want of due provision for “those employed in the administration of govern-“ment. It would seem to be a maxim of democ-“racy to starve the public servants. He mentioned “the popular clamor in Massachusetts for the re-“duction of salaries, and the attack made on that “of the Governor, though secured by the spirit “of the constitution itself. He had, he said, been “too republican heretofore; he was still, however, “republican; but had been taught by experience

\* Elbridge Gerry, delegate from Massachusetts, a member of the Congress of the Revolution, and signer of the Declaration of Independence. After the organization of the federal government, member of the House of Representatives; minister to France; elected, by the Democratic party, Vice-President of the United States on the ticket with Mr. Madison, in 1813, and, by the Democratic party of Massachusetts, Governor of that State, in 1810. He refused to sign the Constitution.

“the danger of the levelling spirit. Mr. Mason\* “argued strongly for an election of the larger “branch by the people. It was to be the grand “depository of the democratic principle of the “government. It was, so to speak, to be our

\* George Mason, delegate from Virginia, friend and neighbour of Washington, and an ardent supporter of the Revolution; regarded as one of the ablest men of his day. His statue stands, one of a group, in front of the Capitol at Richmond. Mr. Madison (Rives's Life of Madison, vol. i. p. 162, *note*) wrote of his services in the convention, to his grandson, who was preparing materials for his ancestor's biography: “He sustained throughout the proceedings of “the body the high character of a powerful reasoner, a pro-“found statesman, and a devoted republican.” Mr. Hamilton described him (Hamilton's Works, vol. vi. p. 557) as “professing popular doctrines.” He refused to sign the constitution, deeming the powers it conferred excessive; and, for the same reason, opposed, with Patrick Henry and others, its adoption by his State in the Convention of Virginia, of which he was a member. Mr. Jefferson said of him (Jefferson's Works, vol. i. pp. 40, 41), “I had many occasional “and strenuous coadjutors in debate” (this was in the Legislature of Virginia), “and one, most steadfast, able “and zealous, who was himself a host. This was George “Mason, a man of the first order of wisdom among those “who acted on the theatre of the Revolution, of expansive “mind, profound judgment, cogent in argument, learned in “the law of our former Constitution, and earnest for the “republican change on democratic principles.”

"House of Commons. It ought to know and sympathize with every part of the community; and "ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it; "which had in several instances, particularly in "Virginia, different interests and views, arising "from difference of produce, of habits, &c., &c. He "admitted that we had been too democratic, but "was afraid we should inadvertently run into the "opposite extreme. We ought to attend to the "rights of every class of the people. He had often "wondered at the indifference of the superior "classes of society to this dictate of humanity and "policy; considering, that, however affluent their "circumstances or elevated their situations might "be, the course of a few years not only might, "but certainly would, distribute their posterity "throughout the lowest class of society. Every "selfish motive, therefore, every family attachment, ought to recommend such a system of "policy as would provide no less carefully for the "rights and happiness of the lowest, than of the "highest order of citizens. Mr. Wilson\* con-

\* James Wilson, delegate from Pennsylvania, member of the Confederate Congress, signer of the Declaration of Independence, a Judge of the Supreme Court of the United States by appointment of Washington.

“ tended strenuously for drawing the most numer-  
“ ous branch of the Legislature immediately from  
“ the people. He was for raising the federal  
“ pyramid to a considerable altitude, and for that  
“ reason wished to give it as broad a basis as possi-  
“ ble. No government could long subsist without  
“ the confidence of the people. . . . Mr. Madison  
“ considered the popular election of one branch  
“ of the National Legislature as essential to every  
“ plan of free government. He observed, that in  
“ some of the States one branch of the Legislature  
“ was composed of men already removed from the  
“ people by an intervening body of electors. That  
“ if the first branch of the General Legislature  
“ should be elected by the State Legislatures, the  
“ second branch elected by the first, the Executive  
“ by the second together with the first, and other  
“ appointments again made for the subordinate  
“ purposes by the Executive, the people would be  
“ lost sight of altogether; and the necessary sym-  
“ pathy between them and their rulers and officers  
“ too little felt. He was an advocate for the policy  
“ of refining the popular appointments by succes-  
“ sive filtrations, but thought it might be pushed  
“ too far. . . . Mr. Gerry did not like the elec-  
“ tion by the people. The maxims taken from  
“ the British constitution were often fallacious

"when applied to our situation, which was extremely different. Experience, he said, had shown that the State Legislatures, drawn immediately from the people, did not always possess their confidence. He had no objection, however, to an election by the people, if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number, out of which the State Legislature should be bound to choose. Mr. Butler\* thought an election by the people an impracticable mode." No other gentleman addressed the convention. "On the question for an election of the first branch of the National Legislature, by the people, Massachusetts, New York, Pennsylvania, Virginia, North Carolina, Georgia, Aye—6; New Jersey, South Carolina, No—2; Connecticut, Delaware, divided."

It is not so striking that so much disbelief was expressed in the people, and utterance given to ideas so totally different from those to-day acted on, familiarly and confidently, as it is that there should not have been in this assembly found one single man to entertain a full belief the other

\* Pierce Butler, delegate from South Carolina, and under the federal government a Senator in Congress.

way;\* certainly not one to express it, when to doubts of the people such decided expression was given.

It was carried by the votes of a majority of the States to give the election, to the people, of the House of Representatives, lest the people, as Mr. Madison said, “be lost sight of altogether;” to attend, as Mr. Mason said, “to the rights of every ‘class;’” because, as Mr. Wilson said, “no government could long subsist without the confidence ‘of the people.’” Such was the tone of the reasoning of those who maintained the people’s rights. But some days after, the sixth of June, these views not being acceptable, abstemious as they were, an attempt was made to change the vote.

“Mr. Pinckney,† according to previous notice,

\* In his thoughts on the plan, when laid before him, Mr. Jefferson said, “I like the power given the Legislature to “levy taxes, and for that reason solely I approve of the “greater House being chosen by the people directly. For “though I think a House so chosen will be very far inferior “to the present Congress, will be very illy qualified to legislate for the Union, for foreign nations, &c., yet this evil “does not weigh against the good, of preserving inviolate the “fundamental principle, that the people are not to be taxed “but by representatives chosen immediately by themselves.” Letter from Mr. Jefferson to Mr. Madison, Paris, December 20, 1787: Jefferson’s Works, vol. ii. pp. 328, 329.

† Charles Pinckney, delegate from South Carolina, and

“and rule obtained, moved, that the first branch  
“of the National Legislature be elected by the  
“State Legislatures, and not by the people.” . . .  
But, after debate\* “on the question for electing  
“the first branch by the State Legislatures as  
“moved by Mr. Pinckney, it was negative,—Con-  
“necticut, New Jersey, South Carolina, Aye—3;  
“Massachusetts, New York, Pennsylvania, Dela-  
“ware, Maryland, Virginia, North Carolina, Geor-  
“gia, No—8.” Again, the twenty-first of June,  
“General Pinckney† moved, that the first branch,  
“instead of being elected by the people, should be  
“elected in such manner as the Legislature of each  
“State should direct;” . . . when “on the ques-  
“tion of General Pinckney’s motion to substitute  
“election of the first branch in such mode as the  
“Legislatures should appoint, instead of its being  
“elected by the people,—Connecticut, New Jersey,  
“Delaware, South Carolina, Aye—4; Massachu-  
“setts, New York, Pennsylvania, Virginia, North  
“Carolina, Georgia, No—6; Maryland divided.

Governor of that State; minister to Spain, and Senator in Congress under the Constitution.

\* Madison Papers, vol. ii. pp. 800–808.

† Charles Cotesworth Pinckney, delegate from South Carolina, a general officer in the war of the Revolution, and afterwards, under the Constitution, minister to France; candidate for the Vice-Presidency in 1800.

“General Pinckney then moved that the first  
“branch be elected by the people in such mode as  
“the Legislatures should direct; but waived it on  
“its being hinted that such a provision might be  
“more properly tried in the detail of the plan.  
“On the question for the election of the first  
“branch by the people,—Massachusetts, Connecti-  
“cut, New York, Pennsylvania, Delaware, Vir-  
“ginia, North Carolina, South Carolina, Georgia,  
“Aye—9; New Jersey, No—1; Maryland divided.”  
The opposition to popular election of the lower  
House of Congress appears to have ended here.

At a later period of the session,\* the 7th of August, when the draft of the proposed Constitution had been reported by a committee with a provision that the electors of the House of Representatives should have the qualifications requisite for electors of the most numerous branch of the State Legislature, the question of popular suffrage, again, was debated. The object of the committee had been to avoid giving umbrage. Voters were to have the qualifications of voters for the members of the House of Representatives of the State; each State to choose, therefore, for itself, restricted or unrestricted suffrage.

There was a wide diversity of opinion as to

\* Madison Papers, vol. iii. pp. 1249–56.

qualifications. Mr. Gouverneur Morris and others were for confining suffrage to freeholders; Dr. Franklin thought "we should not depress the "virtue and public spirit of our common people." Apparently, the convention governed themselves by the same motive with the committee which reported the clause, and they adopted it, *nem. con.* Mr. Madison said, "Whether the Constitutional "qualification ought to be a freehold, would with "him depend much on the probable reception such "a change would meet with in the States where "the right was now exercised by every description "of people. In several of the States a freehold "was now a qualification. Viewing the subject in "its merits alone, the freeholders of the country "would be the safest depositaries of republican "liberty. In future times, a great majority of the "people will not only be without landed, but any "other sort of property. These will either com- "bine, under the influence of their common situa- "tion,—in which case the rights of property and "the public liberty will not be secure in their "hands,—or, what is more probable, they will be- "come the tools of opulence and ambition, in which "case there will be equal danger on another side."

## SECTION IV.

THEIR VIEWS OF AN EXECUTIVE—ITS DIFFICULTIES—FRANKLIN'S VIEWS; HAMILTON'S; JEFFERSON'S IN A LETTER TO MR. MADISON.

We come to Executive power, to this day the strain on democracy. Next to apportionment of representation between the small and large States, a question which well-nigh broke up the convention, it was the Executive question that most perplexed their ingenuity and excited their fears. Apportionment of representation pertained to the constantly varying fact of population. Of the small States, alarmed for their independence, time has qualified the fears, and made one of them, New York, which in 1787 sought protection for weakness, the most powerful in the Union; but time has not diminished the fears of Executive power: it has increased them. It involves considerations as lasting as the vices of our nature; and has more perils than in 1787 were seen. It is the democratic problem in its most formidable shape.

The convention took up the question of an Executive\* the 1st of June, being the third day after they entered on the consideration of a frame of government; and having, at various meetings, en-

\* Journal, p. 88.

deavored, in vain, to unite on an Executive clause, the subject, which was considered, in all, more than every third day of all the days the convention sat, between the 29th of May, when business began, and the 17th of September, the day of the final adjournment, was referred, on the 31st of August, to a committee, appointed by ballot, of one member from each State. This committee, on the 4th of September,\* thirteen days only before the final adjournment, reported back a resolution in favor of an Executive to consist of a single individual, holding office four years, elected by electors appointed by each State, as its Legislature might direct. The report of this committee, with alterations, more or less material, which continued to be made by the convention, down to the 15th of September, forty-eight hours only before the adjournment, was, in its main features, adopted. It gives us the system, amended by vote of Congress and the States, in the years 1803-4, after the attempt of the House of Representatives to make Mr. Burr President, which still exists.

The apprehensions of the convention may be imagined from what was said by its oldest member, and not least cheerful spirit, Franklin.† “ All

\* Journal, p. 324.

† Madison Papers, vol. ii. p. 790.

"profitable offices," he said, "will be at his disposal. The first man put at the helm will be a "good one. Nobody knows what sort may come "afterwards. The Executive will be always increasing here as elsewhere, till it ends in "monarchy."

Franklin moved that the Executive receive no salary, and, instead, his necessary expenses be paid; his idea seems to have been that the same rule ought to extend to as many as possible of the government functionaries. In moving his amendment he made a speech, and said, urging his opinions, "There is a natural inclination in mankind to kingly government. It sometimes relieves them from aristocratic domination. They had rather have one tyrant than five hundred. It gives more of the appearance of equality among citizens, and that they like. I am apprehensive, therefore, perhaps too apprehensive, that the government of these States may in future times end in a monarchy. But this catastrophe I think may be long delayed, if in our proposed system we do not sow the seeds of contention, faction, and tumult, by making our posts of honour places of profit." He instanced, as serving unpaid, Washington during the Revolutionary war, sheriffs of counties in England, French counsellors of parliament, and

members of the Society of Friends sitting to decide lawsuits of their fellows.\*

The idea of Mr. Jefferson that the Presidential office, the President being perpetually re-eligible, would be, in effect, an office for life, seems to show either that he looked, like Franklin, to somewhat remote events; or, for the present, had formed a very inadequate conception of the pressure of party jealousies to prevent continuity of service. He wrote from France to his friend Mr. Madison, the vessel of all his thoughts,† "Reason "and experience tell us, that the first magistrate "will always be re-elected if he may be re-elected. "He is then an officer for life. This once ob- "served, it becomes of so much consequence to "certain nations, to have a friend or foe at the "head of our affairs, that they will interfere "with money and with arms. A Galloman, or "an Angloman, will be supported by the nation "he befriends. If once elected, and at a second "or third election outvoted by one or two votes, "he will pretend false votes, foul play, hold pos- "session of the reins of government, be sup- "ported by the States voting for him, especially if "they be the central ones, lying in a compact body

\* Madison Papers, vol. ii. pp. 773-775.

† Letter from Paris, December 20, 1787: Jefferson's Works, vol. ii. p. 330.

“themselves, and separating their opponents; and  
“they will be aided by one nation in Europe, while  
“the majority are aided by another. The election  
“of a President of America, some years hence, will  
“be much more interesting to certain nations of  
“Europe, than ever the election of a King of  
“Poland was. Reflect on all the instances in his-  
“tory, ancient and modern, of elective monarchies,  
“and say if they do not give foundation for my  
“fears; the Roman Emperors, the Popes while  
“they were of any importance, the German Em-  
“perors till they became hereditary in practice, the  
“Kings of Poland, the Deyls of the Ottoman depend-  
“encies. It may be said, that if elections are to be  
“attended with these disorders, the less frequently  
“they are repeated the better. But experience  
“says, that to free them from disorder they must  
“be rendered less interesting by a necessity of  
“change. No foreign power, nor domestic party,  
“will waste their blood and money to elect a per-  
“son who must go out at the end of a short period.  
“The power of removing every fourth year by the  
“vote of the people, is a power which they will not  
“exercise, and if they were disposed to exercise  
“it, they would not be permitted. The King of  
“Poland is removable every day by the Diet. But  
“they never remove him.”

Like Franklin, Mr. Jefferson failed to foresee the full effect of a Presidential election upon the democratic element; and both of them seem to look to Executive power as leading direct to tyranny, and not by the smooth road of a corrupted suffrage.

Eighty-six years' experience has not convinced the country that the federal convention, who, looking round, saw no example from which to copy, and had to decide without precedents, endowed their republican Executive with superfluous power, power which must not, necessarily, be somewhere given, or which could advantageously have been withheld from him, or bestowed elsewhere or elsewhere. The public mind has settled on no Executive constitutional amendment; still less does the past show that the Executive ought to have any other constituency than the people; yet it will not be doubted that could the convention have seen, as we see them, the elections of a President, and the use he makes of his power, their fears would have multiplied. When Hamilton said, "as to the Executive, it seemed to be admitted that no good one could be established on republican principles," he was right, if republican principles mean government maintained by its own influence; and not, in the full sense of their better signification, government maintained by the people.

Let us amend ourselves, not the Constitution. It ought to reconcile us, if not to patience, to deliberation, that since the federal government has been in action, not one scheme has ever been produced for modifying Executive power, or the mode of electing, except that which proposes what is hardly a change, the direct vote of the people instead of electoral colleges, which has had sufficient merit to attract attention; and most of them have been strongly objectionable. Mr. Calhoun's\* was a double Executive, an extraordinary mistake.

The recent change, not by amendment, but new construction of the Constitution, by which the Senate are consulted upon removals from office, has had the effect not of purifying patronage, but of drawing more into its vortex the Senators. When the amendment was proposed in 1826, the most plausible and the least of an alteration, to take the election from the electoral colleges and give it to the people, a striking suggestion, among others, made in opposition to it in debate in the House of Representatives, was, that to substitute a general poll for the vote by electors chosen by States, with an appeal, if no choice were effected, to the House of Representatives voting by States, would be *cen-*

\* Discourse on the Constitution and Government of the United States : Calhoun's Works, vol. i. pp. 392-395.

*tralizing* in its effect on federal institutions. It may be remarked, too, in illustration of the revolutions in men's opinions, that this fear was suggested by a member from New York, and the amendment disregarding it was proposed by a member from South Carolina.

An elective chief is an experiment. We do not see power turn the heads of judges and legislators; only of the Executive. He may be drawn from obscurity and return to it; but he does not resign, like a minister; he is upheld till his sands are run, like a king, and upheld in courses which, in a minister, would not be tolerated: this is the constitution. It has been the history, in bad times, of all countries, that no crime is too great to gain Executive power or to retain it.

These men who sat in the convention were in presence of a question, this, as Hamilton called it, of an Executive chief "on republican principles," which has been never solved. Anxious to do their duty, not rash in its performance, fearing the Executive, fearing democracy more; when they came to this part of their proceedings the debates show they paused, hesitated, changed their minds again and again, and took back what they had done, only to repeat it; and at last were far from satisfied with their work. What else could they do? But

it is the source from which have flowed the worst ills that afflict us, and is the immediate source of the gravest of the fears for the fate of our institutions. The lack of energy they witnessed in the Confederacy, for war or peace, as well as their own inclinations, disposed them to a vigorous Executive. They resolved to bestow, and they did bestow, and the States were prevailed on to accept, Executive powers, only nominally less than those of the monarch from whose rule they had emancipated themselves; for he was but a king; while the President combines the conditions of minister and king too; and his power of patronage has been found capable to be carried much beyond the degree of mischief which Franklin imagined for it.

## SECTION V.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED—OF THE THREE DRAFTS OF A CONSTITUTION, TWO PROPOSED GIVING THE CHOICE OF THE EXECUTIVE TO THE LEGISLATURE.

Of the three projects before the convention, that of Mr. Pinckney, and those of the States of Virginia and New Jersey, the two last proposed an Executive chosen by the Legislature. The resolution of the Virginia draft for the groundwork of a closer union of the States, presented the 29th of May, in the name of that delegation, at the open-

ing of the business of the convention, and which they adopted, for, as it were, a point of departure, was, "that a National Executive be instituted, to be chosen by the National Legislature "for the term of — years."\* The resolution contained in what was known as the New Jersey plan, presented the 15th of June, a plan especially meant to subserve the views of the smaller States, gave, like that of the Virginia delegation, the choice of the Executive to Congress; but it divided, unlike the Virginia draft, Executive power among two or more persons. It proposed† "that the "United States in Congress be authorized to elect "a Federal Executive to consist of — persons, "to continue in office for the term of — years."

By Mr. Pinckney's plan, laid by him, as an individual member, before the convention, on the same day with that coming from the Virginia delegation, it was proposed that Executive power be vested in a President; and that he should be "elected for — years."‡ By whom to be elected was not suggested. The suggestion was not ventured by Mr. Pinckney who should choose the chief of the republic, nor how he was to be controlled should he conspire against it.

These were the several constitutional *plans*, so

\* Journal, p. 68.      † Ib., pp. 124, 125.      ‡ Ib., p. 77.

called, that of Mr. Pinckney, and those of the delegations of New Jersey and Virginia, which were before the convention for their consideration. That of Mr. Hamilton, presented in the course of his speech of the 18th of June, suggesting those doubts of republican government, which were at that day more freely than now avowed, was said by him, in the course of his observations, to be produced as explanatory of his constitutional views, but not with any purpose or hope of its being adopted by the convention.\* Of the three schemes of government, there existing neither real nor pretended confidence in the people, though finally appealed to, the appointment of an Executive by the Legislature was proposed in two of them; but none proposed a popular election.

## SECTION VI.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED--MOTION FOR A CHOICE  
BY THE PEOPLE NEGATIVED, TWO STATES ONLY VOTING FOR IT.

The Virginia draft being under consideration, before other opinions had been expressed on the floor, Mr. Wilson, who, Franklin perhaps excepted, may be said, judged by the debates, to have been the person, in the whole body, of the most liberal views, and whom Washington, never

\* Journal, p. 130; Madison Papers, vol. ii. pp. 878-892.

prodigal of praise, called\* "as able, candid, and "honest a member as was in the convention," rose, and thus modestly introduced his idea, of a more democratic source of Executive power than the votes of a legislative assembly. He said,† "he "was almost unwilling to declare the mode which "he wished to take place, being apprehensive that "it might appear chimerical. He would say, how- "ever, at least that in theory he was for an election "by the people. Experience, particularly in New "York and Massachusetts, showed that an election "of the first magistrate by the people at large was "both a convenient and successful mode. The "objects of choice in such cases must be persons "whose merits have general notoriety. He wished "to derive not only both branches of the Legisla- "ture from the people without the intervention of "the State Legislatures, but the Executive also, "in order to make them as independent as possible "of each other, as well as of the States."

Such was the voice of approbation, in 1787, of the mighty people. Theory said they must be trusted, and, practically, no other course would consist with republican principles.

\* Letter to Mr. Stuart, October 17, 1787: Sparks's Washington, vol. ix. p. 271.

† Madison Papers, vol. ii. p. 766.

Mr. Mason "favors the idea, but thinks it impracticable. He wishes, however, that Mr. Wilson might have time to digest it into his own form." Accordingly, the next day, the 2d of June, Mr. Wilson\* produces his scheme; and moves to substitute for the mode of election proposed in the Virginia draft, "that the executive magistracy shall be elected in the following manner: That the States be divided into — districts, and that the persons qualified to vote in each district for members of the first branch of the National Legislature elect — members for their respective districts, to be electors of the executive magistracy; that the said electors of the executive magistracy meet at —, and they, or any — of them, so met, shall proceed to elect by ballot, but not out of their own body, — person—in whom the executive authority of the National Government shall be vested." "On † the question for agreeing to Mr. Wilson's substitute, it was negatived,— Pennsylvania, Maryland, Aye—2; Massachusetts, Connecticut, New York, Delaware, Virginia, North Carolina, South Carolina, Georgia, No—8." Two States for, and eight against electing the Executive by the

\* Madison Papers, vol. ii. pp. 768, 769.

† Ib., p. 770.

people. “On\* the question for electing the Executive by the National Legislature, for the term of seven years, it was agreed to,—Massachusetts, Connecticut, New York, Delaware, Virginia, North Carolina, South Carolina. Georgia, Aye—8; Pennsylvania, Maryland, No—2.”

#### SECTION VII.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED—MOTION, AGAIN, FOR CHOICE BY THE PEOPLE VOTED DOWN, ONE STATE FOR IT, ONLY.

Here seemed to end, by this heavy majority against it, the consideration of the question of a popular election of the head of the government. But the choice by the Legislature, though it might be unavoidable, being obviously objectionable, Mr. Gerry, on the 9th of June, introduced the subject again; and, to avoid, as he said, “intrigue and corruption between the Executive and Legislature,”† moved the appointment of the Executive of the Union by the Executives of the States. This was voted down, every State against it, except Delaware, of which the vote was divided.

On the 17th of July, the resolution for a choice by the Legislature, until then in committee, came into the House, and was again debated; Mr.

\* Madison Papers, vol. ii. p. 770.

† Ib., pp. 828–830.

Gouverneur Morris,\* a supporter of the strongest form of government, and an avowed disbeliever in any other, going beyond Mr. Wilson, and declaring for an election directly by the people.† Mr. Morris's idea, doubtless, was not so much to give to the people as to fortify the Executive; his motion was to "strike out National Legislature, and insert citizens of the United States." . . . "If the "people should elect," he said, "they will never "fail to prefer some man of distinguished character, or services." . . . "If the Legislature elect,

\* Gouverneur Morris, a citizen of New York, by which State he was sent to the Continental Congress, where he became a prominent member; and afterwards, being temporarily a resident of Philadelphia, was chosen one of the Pennsylvania delegation to the Convention, in the proceedings of which he bore a distinguished part, and towards the close had imposed on him the office of reducing to system and order the various resolutions of that body during their four months' session; a task he so happily accomplished as to give to the Constitution of the United States a clearness of method and expression which has made conscientious doubts about its meaning rare. He was appointed by Washington agent of the United States at London when circumstances were such that we could yet send no minister there; and afterwards the minister at Paris. On his return home he was elected to the Senate, where he opposed, but in a manly and independent manner, the administration of Mr. Jefferson.

† Madison Papers, vol. ii. pp. 1119-1124.

"it will be the work of intrigue, of cabal, and of "faction;" . . . "real merit will rarely be the "title to the appointment." . . . "It is said the "people will be led by a few designing men. This "might happen in a small district. It can never "happen throughout the continent."\*

While Mr. Wilson, a friend of the people, and Mr. Morris, a friend of power, united in these views, which at last prevailed, the "patronage," which Franklin's sagacity denounced, lay behind, and has enabled power to organize a system throwing legislative cabal into the shade and darkening the rights of the people. The debate proceeded: Mr. Pinckney said, he "did not expect this question would again have been brought forward; an election by the people being liable to the most obvious and striking objections. They will be "led by a few active and designing men. The "most populous States by combining in favor of "the same individual will be able to carry their "points." "Mr. Sherman thought that the sense "of the nation would be better expressed by the "Legislature, than by the people at large. The "latter will never be sufficiently informed of characters, and, besides, will never give a majority of "votes to any one man. They will generally vote

\* Madison Papers, vol. ii. pp. 1119-1124.

"for some man in their own State, and the largest  
"State will have the best chance for the appoint-  
"ment." "Mr. Mason said, he conceived it would  
"be as unnatural to refer the choice of a proper  
"character for Chief Magistrate to the people, as  
"it would to refer a trial of colors to a blind man.  
"The extent of the country renders it impossible  
"that the people can have the requisite capacity  
"to judge of the respective pretensions of the can-  
"didates." "Mr. Williamson\* conceived that there  
"was the same difference between an election, in  
"this case, by the people and by the Legislature,  
"as between an appointment by lot and by  
"choice.

"On the question of an election by the people,  
"instead of the Legislature, it passed in the nega-  
"tive,†—Pennsylvania, Aye—1; Massachusetts,  
"Connecticut, New Jersey, Delaware, Maryland,  
"Virginia, North Carolina, South Carolina, Geor-  
"gia, No—9."

\* Hugh Williamson, delegate from North Carolina, and member of the Confederate Congress.

† Madison Papers, vol. ii. p. 1124.

## SECTION VIII.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED—MOTION TO GIVE THE CHOICE TO THE STATE LEGISLATURES VOTED DOWN AGAIN—UNANIMOUSLY VOTED TO GIVE THE CHOICE TO THE LEGISLATURE.

“Upon this Mr. L. Martin moved that the Executive be chosen by electors appointed by the several Legislatures of the individual States.\* “Mr. Broome seconds.† On the question, it passed in the negative,—Delaware, Maryland, “Aye—2; Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, “South Carolina, Georgia, No—8. On the question on the words, ‘to be chosen by the National ‘‘Legislature,’ it passed unanimously in the affirmative.” The Legislative body, therefore, was to choose the Executive; this seemed settled.

## SECTION IX.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED—RECONSIDERATION AND VOTE TO CHOOSE BY ELECTORS APPOINTED BY STATE LEGISLATURES.

On the 19th of July,‡ the third day after it had passed unanimously to choose by the Legislature, it was moved by Mr. Gouverneur Morris, who

\* Madison Papers, vol. ii. pp. 1124, 1141–1150.

† Jacob Broome, a delegate from Delaware.

‡ Journal, pp. 190, 191; Madison Papers, vol. ii. pp. 1141–1150.

had not abandoned his broader views, and passed unanimously, “to reconsider generally the constitution of the Executive;” when “Mr. Ellsworth\* moved to strike out the appointment by the National Legislature, and to insert to be chosen “by electors, appointed by the Legislatures of the States;” according to certain ratios of population designated by him. “The question, as moved by Mr. Ellsworth, being divided, on the first part, “shall the National Executive be appointed by electors?”—Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Aye—6; North Carolina, South Carolina, Georgia, No—3; Massachusetts, divided. On the second part, “shall the electors be chosen by the State Legislatures?”—Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Georgia, Aye—8; Virginia, South Carolina, No—2. The part relating to the ratio in “which the States should choose electors was postponed *nem. con.*”

Some of the States which had voted on the 17th for election by the National Legislature, and

\* Oliver Ellsworth, delegate from Connecticut; a member of the Confederate Congress. Under the federal government he was a Senator, minister to France, and the Chief Justice of the United States.

against an election by electors chosen by the State Legislatures, now had changed their votes, and supported the mode of election which on the 17th they opposed. Pennsylvania, which on the 17th voted for an election by the people, in voting on the 19th for an election by electors, probably, changed her vote and not her opinion; accepting an election by electors, one directly by the people, which would seem to have been her preference, not being attainable.

## SECTION X.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED—ANOTHER RECONSIDERATION—VOTES FOR A CHOICE BY THE LEGISLATURE.

Five days later, the 24th of July, the appointment of the Executive by electors being reconsidered, the convention fell back to the ground they first occupied.\* “Mr. Houston† moved that he be “appointed by the National Legislature, instead “of electors appointed by the State Legislatures, “according to the last decision of the mode.” After debate, the vote was taken “on Mr. Houston’s motion, that the Executive be appointed

\* Journal, pp. 200, 201; Madison Papers, vol. ii. pp. 1188–1196.

† William Houston, delegate from Georgia. He did not sign the Constitution.

"by the National Legislature,—New Hampshire,  
"Massachusetts, New Jersey, Delaware, North  
"Carolina, South Carolina, Georgia, Aye—7; Con-  
necticut, Pennsylvania, Maryland, Virginia, No  
"—4." Thus they returned once more to their re-  
solve to appoint the Executive by the Legislature.  
Notwithstanding this vote, the debate was, per-  
haps irregularly, continued, on the question of the  
mode of choice, incidentally to the questions of  
length of service and eligibility for more than one  
term; and Mr. Wilson moved that the Executive  
be chosen every "— years by — electors to be  
taken by lot from the National Legislature, who  
shall proceed immediately to the choice of an  
Executive, and not separate until it be made."  
The motion was held to be not out of order, and  
Mr. King\* moved a postponement, and was sec-

\* Rufus King, delegate from Massachusetts, and one of the representatives of that State in the Confederate Congress. He removed to New York, whence he was chosen, in 1789, to the Senate of the United States. Of Federal polities, his course, nevertheless, was such in coming forward to the support of the country in the war of 1812, that the New York Legislature, then Democratic, called him from private life, to which he had retired, and elected him a Senator. He was minister to England, where he represented the country in Washington's time, during all the time of Mr. Adams, and part of that of Mr. Jefferson. He was again minister to England under Mr. John Quincy Adams.

onded by Mr. Wilson, " who did not move this as "the best mode. His opinion remained unshaken "that we ought to resort to the people for the "election. On the question of a postponement it "was agreed to, *nem. con.*"

"The next day, the 25th of July, the clause "relative to the Executive being again under con- "sideration," the subject was in some confusion from debate being persisted in after a vote apparently final had been taken. Two motions were made, unsuccessfully: the first was, that the Executive be appointed, in certain events, by the National Legislature, in others, by electors chosen by the State Legislatures; the second was, that the Executive be appointed by the Governors and councils of States, and, where there were no coun- cils, by electors chosen by the State Legislatures.

"Mr. Gerry and Mr. Butler moved to refer the "resolution relating to the Executive (except the "clause making the Executive consist of a single "person) to the committee of detail. Mr. Wilson "hoped that so important a branch of the system "would not be committed until a general principle "should be fixed by a vote of the House," and the House\* adjourned without a vote; no "general principle" being fixed.

\* Journal, pp. 201-203; Madison Papers, vol. ii. pp. 1197-1207.

The next day, on the meeting of the convention, Mr. Mason rose, and, with a mixture of sarcasm and admonition, spoke thus: "In every stage of the question relative to the Executive, the difficulty of the subject, and the diversity of the opinions concerning it, have appeared. Nor have any of the modes of constituting that Department been satisfactory. First, it has been proposed that the election should be made by the people at large; that is, that an act which ought to be performed by those who know most of eminent characters and qualifications, should be performed by those who know least; secondly, that the election should be made by the Legislatures of the States; thirdly, by the Executives of the States. Against these modes, also, strong objections have been urged. Fourthly, it has been proposed that the election should be made by electors chosen by the people for that purpose. This was at first agreed to, but, on further consideration, has been rejected. Fifthly, since which, the mode of Mr. Williamson, requiring each freeholder to vote for several candidates, has been proposed. This seemed, like many other propositions, to carry a plausible face, but on the closer inspection is liable to fatal objections. . . . Sixthly, another expedient was

“proposed by Mr. Dickinson, which is liable to so  
“palpable and material an inconvenience that he  
“had little doubt of its being by this time rejected  
“by himself. . . . Seventhly, among other ex-  
“pedients a lottery has been introduced. . . .  
“After reviewing all these various modes, he was  
“led to conclude that an election by the National  
“Legislature, as originally proposed, was the best.  
“If it was liable to objections, it was liable to  
“fewer than any other. He conceived, at the  
“same time, that a second election ought to be  
“absolutely prohibited. Having for his primary  
“object—for the polar star of his political conduct  
“—the preservation of the rights of the people,  
“he held it as an essential point, as the very pal-  
“ladium of civil liberty, that the great officers of  
“state, and particularly the Executive, should at  
“fixed periods return to that mass from which they  
“were at first taken, in order that they may feel  
“and respect those rights and interests which are  
“again to be personally valuable to them. He con-  
“cluded with moving, that the constitution of the  
“Executive, as reported by the committee of the  
“whole, be reinstated;” namely, that the Execu-  
“tive “be chosen by the National Legislature.”  
The question being taken on Mr. Mason’s motion,  
“it passed in the affirmative,—New Hampshire,

“ New Jersey, Maryland, Virginia, North Carolina,  
“ South Carolina, Georgia, Aye—7; Connecticut,  
“ Pennsylvania, Delaware, No—3; Massachusetts  
“ not on the floor.”\*

## SECTION XI.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED—COMMITTEE REPORT  
THE DRAFT OF A CONSTITUTION WITH A PROVISION FOR THE  
CHOICE OF THE EXECUTIVE BY THE LEGISLATURE.

On the same day, after resolving that it be an instruction to the committee to receive a clause or clauses requiring certain qualifications of property and citizenship for the Executive, Judiciary, and Legislature, every resolution of the convention, those relative to powers legislative, executive, and judiccial, and all others, together with the “ propositions offered by Mr. C. Pinckney on the 29th of May, and by Mr. Patterson† on the 16th of June,” were referred, in effect, whatever had been done, since the first day’s session, to what was styled the committee of detail; and the convention adjourned from the 26th of July to the 6th of August, “ that this committee might prepare and

\* Madison Papers, vol. ii. pp. 1207–1210.

† William Patterson, delegate from New Jersey, the introducer of what were called the New Jersey Resolutions, a Senator of the United States, Governor of New Jersey, and afterwards Judge of the Supreme Court of the United States.

"report the constitution."\* On the 6th of August their draft, comprised in twenty-three articles, was submitted by the committee, and a copy furnished to each member.

The Executive section, the first of the tenth article, was reported as follows:† "The Executive power of the United States shall be vested in a single person. His style shall be, 'The President of the United States of America,' and his title shall be, 'His Excellency.' He shall be elected by ballot by the Legislature. He shall hold his office during the term of seven years; but shall not be elected a second time."

## SECTION XII.

THEIR VIEWS OF AN EXECUTIVE, CONTINUED--EFFORTS TO TAKE THE CHOICE FROM THE LEGISLATURE, ENDING IN A REFERENCE TO A COMMITTEE OF ONE DELEGATE FROM EACH STATE, WHO REPORT A CHOICE BY ELECTORS: SUBSTANTIALLY THE EXISTING SYSTEM.

The convention now proceeded to consider, article by article, the committee's draft, and on the 24th of August reached the Executive section, the first of the tenth article. "On the question for vesting power in a single person,—it was agreed

\* Madison Papers, vol. ii. pp. 1210–1220; Journal, pp. 203–206.

† Journal, pp. 224, 225.

"to, *nem. con.*\* Mr. Carroll† moved to strike out  
"‘by the Legislature,’ and insert ‘by the people.’‡  
"Mr. Wilson seconded him; and on the question,  
"—Pennsylvania, Delaware, Aye—2; New Hamp-  
shire, Massachusetts, Connecticut, New Jersey,  
Maryland, Virginia, North Carolina, South Caro-  
lina, Georgia, No—9." Again a popular vote was  
supported by two States only.

"Mr. Gouverneur Morris now moved that the  
"President ‘shall be chosen by electors to be  
“chosen by the people of the several States.’ Mr.  
"Carroll seconded him; and on the question, it  
"passed in the negative,§—Connecticut, New Jer-  
sey, Pennsylvania, Delaware, Virginia, Aye—5;  
"New Hampshire, Massachusetts, Maryland, North  
"Carolina, South Carolina, Georgia, No—6. Mr.  
"Dayton|| moved to postpone the consideration of

\* Madison Papers, vol. iii. p. 1417. The words of the Journal are, "Separate questions being taken on the first, "second, and third clauses of the first section, tenth article, "as reported, they passed in the affirmative."

† Daniel Carroll, delegate from Maryland, member of Congress under the Confederacy, and under the Constitution of the United States.

‡ Madison Papers, vol. iii. p. 1418; Journal, pp. 286, 287.

§ Madison Papers, vol. iii. pp. 1420, 1421.

|| Jonathan Dayton, delegate from New Jersey; under the Constitution Speaker of the House of Representatives, and afterwards a Senator.

"the two last clauses of Article 10. Sect. 1, which  
"was disagreed to without a count of the States.

"Mr. Broome moved\* to refer the two clauses  
"to a committee, of a member from each State;  
"and on the question, it failed, the States being  
"equally divided,—New Jersey, Pennsylvania,  
"Delaware, Maryland, Virginia. Aye—5; New  
"Hampshire, Massachusetts, North Carolina, South  
"Carolina, Georgia, No—5; Connecticut divided.

"On the question taken on the first part of Mr.  
"Gouverneur Morris's motion, to wit: 'shall be  
"'chosen by electors,' as an abstract question, it  
"failed, the States being equally divided,†—New  
"Jersey, Pennsylvania, Delaware, Virginia, Aye  
"—4; New Hampshire, North Carolina, South  
"Carolina, Georgia. No—4; Connecticut, Mary-  
"land, divided; Massachusetts, absent. The con-  
"sideration of the remaining clauses of Article 10,  
"Sect. 1. was then postponed."

Mr. Hamilton said, in his speech of the 18th of June, that a republican Executive was a problem; and the convention, whose task was to found an empire, but an empire for the free, had, so far, failed to find the solution of it. "This subject," said Mr. Wilson,‡ "has greatly divided the house,

\* Madison Papers, vol. iii. p. 1421.

† Ibid.

‡ Ibid., p. 1491.

“and will also divide the people out of doors.  
“It is, in truth, the most difficult of all on which  
“we have to decide.”\* Mr. Williamson, objecting  
to a single magistrate, said, “he will be an elect-  
“ive king, and will feel the spirit of one. He  
“will spare no pains to keep himself in for life,  
“and will then lay a train for the succession  
“of his children. It was pretty certain, he  
“thought, that we should at some time or other  
“have a king; but he wished no precaution to be  
“omitted that might postpone the event as long  
“as possible. Ineligibility a second time appeared  
“to him to be the best precaution.” Mr. Ran-  
dolph,† on the same subject, said, “we have, in  
“some revolutions of this plan, made a bold  
“stroke for monarchy.”

If election by the people was too democratic, in the sense of these opinions, appointment by Congress seemed to follow; but, that Congress should appoint was equally against the sense of the convention. Mr. Wilson’s reckoning was that it was‡ “the unanimous sense that the Executive should

\* Madison Papers, vol. ii. p. 1189.

† Edmund Randolph, delegate from Virginia, Governor of that State, and Attorney-General; under the Constitution Attorney-General of the United States and Secretary of State.

‡ Madison Papers, vol. ii. p. 1147.

"not be appointed by the Legislature unless he be "rendered ineligible a second time." It was, said the same gentleman, very decidedly and strongly, if not unanimously, regarded to be a false principle in laying the foundations of the republic, to put the election of the Executive in the hands of the makers of the laws. It was thought damaging, if not ruinous, to both those branches of the government.

In republics the legislative is understood to be the strongest power.\* They desired to balance a power which, in not remote history, had been seen to overwhelm the sovereign in England, and was about to repeat in the kingdom of their French ally what had happened in the mother country. They feared to put the President at the feet of the Legislature; they feared to make Congress the scene of perpetual intrigue. A Legislature, composed of men of education and intelligence, might be more discerning of merit than the masses, and

\* The President, between 1864 and 1868, was compelled to administer his office with a cabinet, some, or all, of whom were hostile to him; he had not power to change them. By the act of March 2, 1867, his powers as Commander-in-Chief were crippled. The veto power fell before the two-thirds majorities in both Houses. The power to remove, any more than appoint, without the consent of the Senate, was taken away.

less liable to the sway of passion ; but could it be ventured to leave them, besides making the laws, the unbridled choice of the citizen to whom was to be committed the power to see them executed ; the power of action, the power of appointment, the power of pardon, the veto power, and others destined to the chief of the government ?

On Friday, the 31st of August, this difficult question, to posterity so momentous, to democracy so unmanageable, hitherto, was once more referred for consideration. It was committed, with other unsettled points, to a committee, chosen by ballot, of one member from each State; and on the 4th of September they reported a President to hold office four years, to be elected by electors appointed, in each State, in such manner as its Legislature might direct ; and from this, as a principle, the convention, having adopted it,\* the 6th of September, by a vote of nine States against two, did not depart.

They adhered from no confidence in it ; despair of a better, the impossibility to satisfy themselves in the adjustment, should the Legislature choose the President, of points like that of the veto, impeachment, and others pertaining to Executive powers and restrictions, where executive and legis-

\* Journal, pp. 332-338; Madison Papers, vol. iii. pp. 1485-1492.

lative functions must mix and conflict; and the conviction that the perils of cabal were, in any event, inseparable from an election by the Legislature, was the consideration which reconciled the convention to the system they at last adopted of electors; but not electors chosen, necessarily, by the people; "electors appointed in each State in "such manner as its Legislature might direct."

When the report of the committee came in, "Mr. "Randolph and Mr. Pinckney wished for a partic- "ular explanation and discussion of the reasons "for changing the mode of electing the Execu- "tive. Mr. Gouverneur Morris said, he would "give the reasons of the committee, and his own. "The first was the danger of intrigue and faction, "if the appointment should be made by the Legis- "lature. The next was the inconvenience of an "ineligibility required by that mode, in order to "lessen its evils. The third was the difficulty of "establishing a court of impeachment, other than "the Senate, which would not be so proper for the "trial, nor the other branch, for the impeachment "of the President, if appointed by the Legislature. "In the fourth place, nobody had appeared to be "satisfied with an appointment by the Legislature. "In the fifth place, many were anxious even for "an immediate choice by the people. And, finally,

"the sixth reason was the indispensable necessity  
"of making the Executive independent of the  
"Legislature. As the electors would vote at the  
"same time, throughout the United States, and at  
"so great a distance from each other, the great  
"evil of cabal was avoided. It would be impossi-  
"ble, also, to corrupt them. A conclusive reason  
"for making the Senate, instead of the Supreme  
"Court, the judge of impeachments, was, that the  
"latter was to try the President, after the trial of  
"the impeachment."\*

That by this system the convention intended the electors actually, not nominally, to choose the President, might be inferred from the prevalent feeling against democracy. It has been seen that, when the question was before the convention, of what seems to have been regarded as the suggestion of a popular vote, opinions in strong disparagement of such a choice were expressed in unqualified terms; but it ought to be not uninformative to see that gentlemen the most decided in anti-democratic views favored an election, in some sort, by the people.

Mr. Gouverneur Morris† said, "He ought to be  
"elected by the people at large, by the freeholders

\* Madison Papers, vol. iii. pp. 1489, 1490.

† Ibid., vol. ii. p. 1119.

“of the country. . . . If the people should elect,  
“they will never fail to prefer some man of dis-  
“tinguished character, or services; some man, if  
“he might so speak, of continental reputation.  
“. . . He moved to strike out ‘National Legis-  
“‘lature,’ and insert ‘citizens of the United  
“‘States.’” Again,\* “it is said the people will  
“be led by a few designing men. This might  
“happen in a small district. It can never happen  
“throughout the continent. It is said the multi-  
“tude will be uninformed. It is true they would  
“be uninformed of what passed in the legislative  
“conclave, if the election were to be made there;  
“but they will not be uninformed of those great  
“and illustrious characters which have merited  
“their esteem and confidence. . . . Appoint-  
“ments made by numerous bodies are always  
“worse than those made by single responsible  
“individuals or by the people at large.” He said,  
on another occasion, “he saw no alternative for  
“making the Executive independent of the Legis-  
“lature, but either to give him his office for life, or  
“make him eligible by the people.” Mr. Dickin-  
son† said he thought that “insuperable objections

\* Madison Papers, vol. ii. pp. 1121, 1122.

† John Dickinson, delegate from Delaware, author of the “Farmer’s Letters ;” took an active part in the Revolution ;

“lay against an election of the Executive by the  
“National Legislature; as also by the Legislatures  
“or Executives of the States. He had long leaned  
“towards an election by the people, which he re-  
“garded as the purest and best source. Objections  
“he was aware lay against this mode, but not so  
“great, he thought, as against the other modes.”\*  
Mr. Hamilton† was in favor of an appointment  
by electors chosen by the people. In the draft  
of a constitution laid before the convention in the  
course of his speech of the 18th of June, his Ex-  
ecutive clause made the “Executive authority of  
“the United States to be vested in a governor,  
“to be elected to serve during good behaviour;  
“the election to be made by electors chosen by  
“the people in their election districts aforesaid.”  
Mr. King,‡ a friend, personal and political, of Mr.  
Hamilton, “was much disposed to think that in  
“such cases the people at large would choose  
“wisely. . . . On the whole, he was of opinion  
“that an appointment by electors chosen by the  
“people for the purpose would be liable to fewest  
“objections.”

member of the Confederate Congress; and, at different times,  
President of the States of Delaware and Pennsylvania.

\* Madison Papers, vol. ii. p. 1206.      † Ibid., p. 891.

‡ Ibid., pp. 1146, 1147.

## SECTION XIII.

## THEIR VIEWS OF EXECUTIVE POWER, CONCLUDED.

Thus, after eight times it had been voted down, did those very gentlemen the most opposed to democracy assist to bring the convention to popular election of Executive power. Through inherent causes, and the contrivances of politicians, and, above all of them, that by which every office in the United States depends, on the event of the vote for President, it has proved to be the heaviest drag on the virtue of the people. Democracy's worst ills have rushed in through the gap opened to make and unmake Presidents. If every public functionary were voted for at the same election, the President at the head of the poll, and the rest following in their order, it would not be a severer test of our patriotism than elections of the President as we have them. Could they have seen, in 1787, what all see now, the operation of the system by which democracy, without abdicating its authority, delegates it to choose Presidents, and prepare the ground for their four years' administration of the government, they might have been tempted to consider the scheme\*

\* Mr. Wilson suggested "that the Executive be elected for "six years by a small number, not more than fifteen, of the

suggested to them of a choice by lot. If it made Presidents by lot, democracy could not have diverged more than it has from the qualifications and the standard of character for that high office, as they were understood in the convention.

## SECTION XIV.

## THE MERITS OF THE FEDERAL CONVENTION.

The framers of the constitution, virtuous and excellent men, may have been too averse to democracy, and had too little expectation from it, and their posterity too much; no party spirit possessed them, no personal motive; never, unless on the one question of the representation of the smaller States, did a feeling which could not be commended, seem to darken their minds. But they were fallible, that is certain; and they were full of fear of that great movement which, while they are sleeping in their graves, is striding onward.

Two obstacles—*first*, that the powers of the delegations of States did not authorize the making of a new constitution, but limited them to amendments of that already existing in the Articles of Confeder-

“National Legislature, to be drawn from it, not by ballot, “but by lot, and who should retire immediately and make “the election without separating.” Madison Papers, vol. ii. p. 1193; ib., pp. 1208, 1209.

ation; and, *second*, that those Articles had been solemnly settled as a frame of government, binding forever, until unanimously abrogated by the vote of every State, the convention overcame by totally disregarding them. They exercised the new power, of revolution. Not to surmount these obstacles would have been to see tied the hands of the people. Without authority to make a new government, they made one. Without authority to judge the Articles of Confederation, they sat, judged and condemned them. They resolved that the new constitution go into effect though but nine States of the thirteen chose to adopt it; leaving out, it might be, Rhode Island, which had not sent delegates to the convention, and three States more; notwithstanding the explicit language of the thirteenth Article of Confederation to the contrary.

Thus the convention, so undemocratic in faith, was democratic in works, and found access to rule and order from the confusion which had prevailed since the close of the war, by the wide door of democracy. It was an exercise of the right of revolution,\* a right that had made, and now unmade,

\* "At that time," before the organization of the Constitution, "Rhode Island and North Carolina might justly have pleaded that their sister States were bound to them by a

the Confederacy. The Articles of Confederation by the thirteenth article declared that they “shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the Legislature of every State.”

The Laedæmonian lawgiver went into voluntary banishment lest his people should change the institutions he gave them; and the federal convention made it difficult to alter theirs. To propose an amendment they required a vote of two-thirds of both Houses of Congress, or of two-

“compact, into which they had voluntarily entered, with stipulations that it should undergo no such alteration but by unanimous consent. That the Constitution was a Confederate Union founded upon principles totally different, and to which not only they were at liberty to refuse their assent, but which all the other States combined could not, without a breach of their own faith, establish among themselves without the free consent of *all* the partners to the prior contract. . . . They passed upon the old Confederation the same sentence which they had pronounced in dissolving their connection with the British nation.” Discourse of John Quincy Adams before the Historical Society of New York, 30th April, 1839, pp. 64, 65.

thirds of the States; to carry an amendment, the votes of three-fourths of the States. Since 1787, a Bill of Rights has been added to the Constitution; a clause construing the clause touching suits against a State; and a clause to prevent repetition of the attempt made, in the House of Representatives, at the Presidential election of the year 1800. Though in the form of amendments, they cannot be called changes. They were but the Constitution as intended by its framers. Of the recent changes, since the war, not less can be said than that they were the work of violence.\*

Let it be the praise of the framers of the Federal government that, though they gave nothing, if we abuse their gifts; and gave in fear, it is a government under which we have lived nearly a century without one important provision of it, to this time, discovered, for which another convention would be sure to find a better; and with only one omission, namely, of a provision for the policy of creating new States on newly acquired territory, which another convention might deem it indispensable to supply. Limited beings that we are, this assembly, which did their work so well that experience points to no flaw in it, had to be compelled to their task by the ignorant many; that very de-

\* See *infra*.

events chanced to oppose to its ratification more delay than actually took place; had the Constitution not been speedily agreed to; had a second convention been called, as proposed; the opportunity would have been lost, the consent of the necessary number of States would not have been obtained, we would have drifted in uncertainty, our destinies would not have been fixed or our political fortunes settled in 1789. Faction would have ended in an appeal to the sword. Civil war would have found us, seventy years sooner than it did, with arms in our hands, turned against one another.

This great step made in 1787 was, in every sense, tentative: democracy was an experiment; the Union\* was an experiment; the Constitution

\* Witness Mr. Jefferson: "I still hope the French Revolution will issue happily. I feel that the permanence of our own leans in some degree on that, and that a failure there would be a powerful argument to prove there must be a failure here." (Letter to Mr. Rutledge, August 25, 1791: Jefferson's Works, vol. iii. pp. 285, 286.) "I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance." (Letter to William Short, April 13, 1820: Jefferson's Works, vol. vii. p. 158.) The nature of his genius made novelty, change, and experiment less alarming to Mr. Jefferson than to other men. See his letter about

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was an experiment; and it was an experiment that of persuading the States to accede to it. For the first time, men *gave themselves* a government; and they did it reluctantly; they had their State governments, and hesitated to take another. The sixth President of the United States, Mr. John Quincy Adams, said the adoption of the federal Constitution was "extorted from the grinding 'necessity of a reluctant nation.'"<sup>\*</sup> Several of the delegates to the federal convention refused their names to it. A majority of the New York delegates at an early period of the session had retired. Rhode Island declined to send a delegation, and afterwards to call a State convention to consider the draft. The State convention of North Carolina rejected it. In Virginia it was accepted by

drawbacks, to Mr. Crawford, of June 20, 1816, Jefferson's Works, vol. vii. p. 7. "You have fairly stated the alternatives between which we are to choose: 1. Licentious commerce and gambling speculations for a few, with eternal war for the many; or, 2. Restricted commerce, peace, and steady occupations for all. If any State in the Union will declare that it prefers separation with the first alternative, to a continuance in union without it, I have no hesitation in saying, 'let us separate.'" Only a genius for which experiment had no terrors could say so.

\* "The Jubilee of the Constitution; a Discourse," etc., by John Quincy Adams, *ut supra*.

over Plato of a people with twenty-three hundred years' more experience than his, should he imagine a perfect commonwealth, would lay his foundations not as that philosopher did. To make a perfect commonwealth, he must begin with a perfect people. Either is impossible. But the commonwealth of the modern Plato must depend on the people. Not the people in the sense of those who hate them, not the mob, but society, the whole body and frame of things, industry, wealth, art, genius, learning; the wit of man in all its forms.

#### SECTION II.

##### WHY THE EXPERIMENT OUGHT TO SUCCEED.

If the people are, at best, but a mob, or too much occupied with their own affairs to think of those of the public, free governments and constitutions are in vain. If nothing can be rested on the people, and it would, as Mr. Gouverneur Morris said, be as vain to expect permanency from them “as to construct a palace on the surface of the sea,” we must despair.

It would be delusion to fancy that society, unaided, can govern itself, but it is no delusion to believe that society is to have more influence than in former days, and government less; that the society of Russia is less capable of support to a

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government than the society of Switzerland, where of the twenty-four members of the Confederate Republic seven are pure democracies, the people ruling, not by their representatives, but in general assemblies of the citizens. Should society ever reach that point of fancied perfection which brings to each citizen his fair average of happiness, government will be reduced to a shadow.

Improvement is the improvement of society. Riches, invention, discovery, the compass, the art of printing, have improved society. What are the improvements of government? There are none; none that have been accepted by the nations of the earth as improvements, the representative system, only, excepted; a discovery which, in statecraft, corresponds with that of the compass in science. If that great movement which pervades the world, and acquires force daily, means no more than to better governments, it means nothing. It must mean to better the people. A despotic government may be good; a republican government may be bad.

The people may be a disappointment, but the day is past when they were not to be counted; when Frederick the Great said that happiness and prosperity depended on the discipline of the army; and even Adam Smith said that "civil govern-

these colonies, they have of neighbouring nations overturned several and alarmed all; but could Russia have expanded into freedom, and had no Peters and Catherines, they would to-day, instead of being a barbarous empire with a civilized court, be a civilized people. Without Louis the Fourteenth, there might have been no palaces and gardens of Versailles, and the identical artists and authors whom he encouraged and rewarded might not have produced their works; but such governments, though they may not, like his, end in great reverses, only throw back a nation. What is a man closeted with his minister, to the activity of a whole people?

Governments contrive, but no government ever was known whose schemes and specialties were as reliable as the instincts of individuals. The progress of civilization may be traced in transfers, to individuals, of cares and franchises of which governments once had the monopoly. There is hardly a limit to this capacity of society for the performance of duties which we are taught to consider are proper only to government. Where the power of competition can be brought to bear, there is no power to compare with it. That the people trespass on the province of government is held up as an evidence of American imperfection; but no,

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these colonies, they have of neighbouring nations overturned several and alarmed all; but could Russia have expanded into freedom, and had no Peters and Catherines, they would to-day, instead of being a barbarous empire with a civilized court, be a civilized people. Without Louis the Fourteenth, there might have been no palaces and gardens of Versailles, and the identical artists and authors whom he encouraged and rewarded might not have produced their works; but such governments, though they may not, like his, end in great reverses, only throw back a nation. What is a man closeted with his minister, to the activity of a whole people?

Governments contrive, but no government ever was known whose schemes and specialties were as reliable as the instincts of individuals. The progress of civilization may be traced in transfers, to individuals, of cares and franchises of which governments once had the monopoly. There is hardly a limit to this capacity of society for the performance of duties which we are taught to consider are proper only to government. Where the power of competition can be brought to bear, there is no power to compare with it. That the people trespass on the province of government is held up as an evidence of American imperfection; but no,

we are to be regarded, therefore, as the more perfect society. If the multitudes of franchises of industrial and other enterprises, for the protection and well-being of the community, could be reckoned, in yielding which the States of the American Union have stepped aside from a public function to subrogate individuals to carry it on, we would easily perceive what a vast proportion of the offices of government are now performed by the people, and well performed. See how despotically governed countries lag behind those that are free, for want of confidence in the safety of labour and capital invested in public objects!

Of the English East India Company, a few merchants, it was said by one of the first of writers and thinkers, by whom the operations of that company were, withal, severely criticised as a nuisance and monopoly, injurious to the freedom of trade.\* “In wars and negotiation the councils “of Madras and Calcutta have upon several occasions conducted themselves with a resolution and “decisive wisdom which would have done honour “to the Senate of Rome in the best days of that “Republic.” There is scarce a duty of government, in this or any other country, that is not abused; many, to the point of being nothing but abuses;

\* *Wealth of Nations*, vol. ii. p. 484, 7th ed., Lond., 1793.

democracy as doubtful ; but having in him, with a combination of qualities that grow, from age to age, in the admiration of mankind, that wisdom of virtue and clearness of mind which taught him, whatever his ascendant, not to use it to disturb the irrevocable policy of a free people. He was not one of those intelligences described as men *ahead of their age*; but he was far above it; and he made an impression on the world of which mere intelligence, however great, is not capable. History does not inquire how subtle the genius of Cato was; he filled the world; and so did Washington. Cato's death at Utica made less sensation than Washington's on his Virginia farm, and the Roman occupies less space to-day than the American will two thousand years hence. It is not easy to see how the country could have surmounted so many obstacles, and so soon have got its new direction, without him.

The papers, including those of the most intimate nature, of prominent men of the end of the last century, now published, make too plain for posterity to doubt the views and purpose of the federal gentlemen of that period. That purpose, better understood by us than by their contemporaries, was, by infusing a high degree of energy into the measures, movements, and action of the

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central government, to expel from it as much as could be thrown off, of the democratic principle. It had found its way into the Constitution, could it be rejected? When, after the revolution had gained head in France, Marie Antoinette, at one of her interviews with Barnave, asked him, in female terror, what she was to do: *Madam*, was the answer, *you must love the people*. *And what*, said her majesty, *does that mean?* *Bonne foi*, was the significant reply of the Girondist. The old federal party counted in their ranks much of the integrity and, in their day, most of the ability of the country; but they did not love the people. Their measures they may have thought wisely taken, but it was not *bonne foi* which inspired them. The influence of democracy was to be contracted, the authority of the States to be limited, the capacity of the government to be enlarged; the federal constitution, which had been, in 1787-8, held up in the State conventions and a multitude of publications, especially the papers of The Federalist, as sufficing to all its ends, was to be fortified at the expense of the rights reserved to the States, and the perfectness of the common liberty.

Posterity, should democracy prove a failure, may justify the federal chiefs, but, sceptics as

they were, in what with the people was a religion, and their construction of the Constitution an afterthought, they neither could have, nor did they deserve, popular sympathy. Their doctrine, a denial of popular virtue, and a contradiction of the whole spirit of the country, was neither tenable at the polls, nor warranted by that candour which not even in party polities may be despised with impunity. It was based upon the idea, so discouraging to democratic hopes, that the people should receive the impulse, not give it.

## SECTION II.

## THE FORMATION OF PARTIES.

Much ingenious research has been expended on the origin of parties in the United States; whether they dated before the Revolution, or with it, or sprang, afterwards, out of opposition to the federal Constitution; or from the feeling roused by the French Revolution; or whether they had their birth in the personal ambitions of Jefferson and Hamilton, and the measures by those statesmen, respectively, advocated. But let us strip ourselves of prejudice, and confess they had a remoter origin, a broader sense, deep-seated in the human breast; the love of liberty in some, and the corresponding fear of it in others; a love

or fear common to all, and of which every man partakes. Hence did our political differences arise; it was the struggle of the many against the control of the few. To understand the failure of the party led by Mr. Hamilton, it is not necessary to investigate their measures. It was enough that they distrusted the people. That party, when they lost power, in 1800, ought, like other parties, to have recovered it again, but it was impossible; once fallen, the federalists could rise no more. They wanted more than the Constitution, when less would have satisfied the country.

It was the lot of democracy to bear odiums not its own. The government of the United States was inaugurated with the opening of the first session of the Congress of the Union, held in New York, the 4th of March, 1789. Sixty-one days after, the 4th of May, 1789, the French Revolution, whose democracy was noble in its aspirations, but not instructed by time, inaugurated itself with the opening of the States-General at Versailles. Nowhere was French democracy encountered with bitterer and more persistent animosity than by the orators and writers, rich or well paid, of the aristocracy of England. Nowhere did their efforts more avail to cool the enthusiasm for liberty, and exalt the apprehensions of democracy,

than in the United States, where the identity of blood and language helped the fiercest of British diatribes to attentive listeners, and where impressions were made which, aided by the horrors that ensued in France, have proved enduring. They are upon us to this day, and democracy is a name and an idea, in many minds, associated, as it was a hundred years ago, with the ignorance and crimes of the lowest rabble. When France and England engaged in a furious war, arising out of the change in France from monarchical to popular government, our deep obligations to France, and our inherited sympathy with England, embarrassed and confused, withal, as, on every side, we were, by the insults and injuries heaped on us, in their madness, by both belligerents, produced a feeling so eccentric that polities seemed, though led by men of the first order, to have the weakness of copies. They depended less on their intrinsic merits than on preferences and aversions for foreign nations. Washington, in his letter to Patrick Henry, of October, 1795, tendering him the department of State, and setting forth the qualities he desired to find in the head of his Cabinet, points to this: "I want," he said, "an American character, that the powers of Europe 'may be convinced we act for *ourselves*, and not

"for others. This, in my judgment, is the only "way to be respected abroad and happy at home, "and not, by becoming the partisans of Great "Britain and France, create dissensions, disturb "public tranquillity, and destroy, perhaps forever, "the cement which binds the Union." He de- scribed a man like himself, and not to be found.

## SECTION III.

## MONARCHICAL TENDENCIES.

To the reproach so often cast upon the party calling itself democratic, which came into power upon the federal defeat in 1800, that they found little to change in a government they had so heavily condemned, the best answer, certainly the most candid, is, that it was rather a terror of federal doctrine, than anything that had been accomplished by that party, which roused the people of the United States to blast, once for all, the political fortunes of men who had framed their Constitution, and had so large a share in bearing them through the Revolution. There was a mutual terror. Among the federal leaders it was a terror of the mob; among the people at large, a terror of monarchy. Each thought a monster was to be loosed on them.

Led by Mr. Jefferson, a gentleman by birth and

habits, American democracy was as disgusting to the federalists as the cotemporary offspring of the Marats and Robespierres; differing from it, as they believed, for the hour only, to come at last, by the same means, to the same end. There does not seem to have been one man of the old federal party, whose correspondence has come down to us, whose fears of democracy were not of the most exaggerated sort.\* But not so much did the federal dislike of the masses smooth the way of Mr. Jefferson to their hearts, and, after him, to a long demoeratic possession of Executive power, as the belief and persuasion of the masses that monarchy, if not contemplated, was coveted by the federalists, and thought by them to be the natural and necessary end of the democratic experiment.

The citizen of the United States, of the present day, though the feeling of repulsion to demoeracy is anything but extinct, must wonder at the ideas

\* See the letters of the correspondents of Washington, Jay, Gouverneur Morris, Wolcott, Adams, Franklin, Iredell, and, above all, Jefferson and Hamilton, *passim*. The gossip about Hamilton and his friends which, in his *Ana*, Mr. Jefferson has recorded, and commended to posterity, and the anonymous newspaper attacks of Hamilton upon Jefferson, when they were sitting together in Washington's councils, show the extravagances of the day.

of eighty years ago. "The thing," said\* Mr. Gouverneur Morris, just before the election of Mr. Jefferson, "which, in my opinion, has done "most mischief to the federal party, is the ground "given by some of them to believe that they wish "to establish a monarch." Mr. Hamilton said,† "The jealousy of monarchy, which is as actual "as ever, still furnishes a handle by which the "factious mislead well-meaning persons." How could men who loved their country so well as these two men did, fail to do justice to its fears? It would have been marvellous, with as strong a bias as so many of them had, if their party did not transgress; and it would have been still more marvellous if the people did not fear it.

To call these gentlemen monarchists, when there was not one of them who would have attempted to set up a monarchy, is unjust. What can be justly said is that they did not see the way to democracy. But party degenerates to bigotry, and in the United States we have the intolerances in politics, that in other countries they have in religion. It is common to say of Mr.

\* Letter from Gouverneur Morris to Rufus King, June 4, 1800: Sparks's Life of Morris, vol. iii. p. 128.

† Letter from Hamilton to Rufus King, January 5, 1800: Hamilton's Works, vol. vi. p. 415.

Hamilton that he was a monarchist; and if he was, the more honour to him that he zealously served the republic. But it is not common to recognize the fact that Hamilton's opinions were far from being singular, and that among leading federalists of that day there was more doubt of republican than of monarchical government. Mr. Jefferson's memorandums of conversations, and anecdotes, not always authentic, which are the least creditable to his head and heart of all that he left behind him, the professed object of which was to perpetuate the evidence of the inclinations of his party rivals, might have been spared, had he known posterity was to see those gentlemen in the sure and clear light of their familiar correspondence. The evidence thence derived is authentic and irresistible.

From an officer of the army, representing, it was believed, other officers, had come to Washington, the year before the close of the war, and prior in date to what are called the Newburgh Papers, an overture to make him a king.\* Among Hamilton's papers may be seen the correspondence between him and Governor Clinton, in the year

\* Sparks's Washington, vol. viii. pp. 300, 301, and *note*. See the Newburgh Papers, Sparks's Washington, vol. viii. pp. 392-406, and Appendix, pp. 551-556.

1804, touching an imputed scheme, alleged to go so far as to propose one of the English reigning family for the American monarch, with other provisions for a royal establishment, including a perpetual alliance between the two countries, offensive and defensive, Canada being transferred to us, and a portion of the British navy.\* Hamilton's purpose in addressing Clinton was to discover the parties who, as he believed, had charged him with being accessory to this project; a charge which he denounced, and, no doubt, most truly, as "a very "odious slander;" but it was supposed to be worth contradiction. Washington says to Mr. Madison,† in a letter of the 31st of March, 1787, "I am "fully of opinion that those who lean to a mon- "archical government have either not consulted "the public mind, or that they live in a region "which (the levelling principles in which they "were bred being entirely eradicated) is much "more productive of monarchical ideas, than is "the case in the Southern States, where, from "the habitual distinctions which have always "existed among the people, one would have ex- "pected the first generation and the most rapid "growth of them. I am also clear that, even

\* Hamilton's Works, vol. vi. pp. 561-565.

† Sparks's Washington, vol. ix. pp. 247, 248.

“ admitting the utility, nay, necessity, of the  
“ form, the period is not arrived for adopting  
“ the change without shaking the peace of this  
“ country to its foundation.” Within the same  
eventful twelvemonth, the country then ripen-  
ing to a Constitutional convention, he wrote  
to Mr. Jay,\* “ What astonishing changes a few  
“ years are capable of producing! I am told even  
“ respectable characters speak of a monarchical  
“ form of government without horror. From  
“ thinking proceeds speaking; thence to acting  
“ is often but a single step. But how irrevo-  
“ cable and tremendous! What a triumph of our  
“ enemies to verify their predictions! What a  
“ triumph for the advocates of despotism to find  
“ that we are incapable of governing ourselves,  
“ and that systems founded on the basis of equal  
“ liberty are merely ideal and fallacious! Would  
“ to God that wise measures may be taken in  
“ time to avert the consequences we have but  
“ too much reason to apprehend.”† On the 7th

\* John Jay, President of the Confederate Congress; minister to Spain; one of the Commissioners to negotiate the peace of Independence, at Paris; Secretary for Foreign Affairs; Governor of New York; under the Constitution, Chief Justice of the United States, and minister to England.

† Letter, August 1, 1786: Sparks's Washington, vol. ix. p. 187.

of January, 1787, about four months before the meeting of the convention, Mr. Jay\* writes to Washington, "Shall we have a king? Not in my "opinion, while other expedients remain untried." In the convention, Mr. Madison, looking to even the possibility of popular acceptance of monarchical institutions, said, "he conceived it to be "of great importance that a stable and firm "government, organized in the republican form, "should be held out to the people. If this be "not done, and the people be left to judge of this "species of government by the operations of the "defective systems under which they now live, it "is much to be feared the time is not distant, "when, in universal disgust, they will renounce "the blessing which they have purchased at so "dear a rate, and be ready for any change that "may be proposed to them."† Mr. Dickinson, so ardent a patriot that, at an early period of the war, when he had lost his seat in Congress, he shouldered a musket and served in the ranks as a common soldier, said, in debating, in the convention, the Executive question, "a limited mon-

\* Letter, January 7, 1787: Sparks's Washington, vol. ix. p. 511, Appendix; Life and Writings of John Jay, by his son, William Jay, vol. i. p. 256.

† Madison Papers, vol. ii. p. 853.

“archy he considered as *one* of the best governments in the world. It was not *certain* that “the same blessings were derivable from any other form. It was certain that equal blessings had never yet been derived from any of the republican forms. A limited monarchy, however, was out of the question; the spirit of the times, “the state of our affairs, forbade the experiment, “if it were desirable.”\* Mr. Gerry, elected, by the democratic party, Governor of Massachusetts, in 1810, and afterwards elected, on the ticket with Mr. Madison, Vice-President of the United States, said,† “Perhaps a limited monarchy would be the best government, if we could organize it by creating a House of Peers; but that cannot be done.” A quarter of a century later, Mr. Gouverneur Morris wrote,‡ “Those who formed our Constitution were not blind to its defects. They believed a monarchical form to be neither solid nor durable. . . .

“Fond, however, as the framers of our National Constitution were of republican government, “they were not so much blinded by their attach-

\* Madison Papers, vol. ii. p. 778.

† Yates’s Minutes, June 12, 1787; Elliott, vol. i. p. 408.

‡ Letter from Gouverneur Morris to Robert Walsh, February 5, 1811: Sparks’s Morris, vol. iii. pp. 262, 263.

“ment, as not to discern the difficulty, perhaps impracticability, of raising a durable edifice from crumbling materials. History, the parent of political science, had told them, that it was almost as vain to expect permanency from democracy, as to construct a palace on the surface of the sea. But it would have been foolish to fold their arms and sink into despondency because they could neither form nor establish the best of all possible systems.”

It was Hamilton’s opinion, in 1787, that, should the Federal Constitution not be adopted, “a dismemberment of the Union, and monarchies in different portions of it, may be expected.”\* Marshall, in his Life of Washington, intimates that the opposition to the convention, partly, arose from the designs of those who, desiring monarchy, believed there was no so sure road to it as the “road to misery;” and opposed the call for a convention, thinking that “times must be worse before they could be better,”† and they might gather royal fruit from the public wretchedness. The views of Hamilton, the federal chief, without

\* “Impressions as to the New Constitution:” Hamilton’s Works, vol. ii. p. 621.

† Marshall’s Life of Washington, vol. v. pp. 109, 110, chap. ii.

rival or competitor, from the rise of that party to his untimely death, we have from the most friendly pen that could have recorded them; and in some detail. "General Hamilton had little share in forming the Constitution. He disliked it, believing all republican government to be radically defective. . . . He hated republican government, because he confounded it with democratical government, and he detested the latter, because he believed it must end in despotism, and be, in the mean time, destructive to public morality. . . . He heartily assented, nevertheless, to the Constitution, because he considered it as a band, which might hold us together for some time, and he knew that national sentiment is the offspring of national existence. He trusted, moreover, that in the changes and chances of time, we should be involved in some war, which might strengthen our Union and nerve the Executive. . . . He never failed on every occasion to advocate the excellence of, and avow his attachment to, monarchical government."\*

\* Sparks's *Gouverneur Morris*, vol. iii. p. 260: Letter to Robert Walsh, February 5, 1811.

## SECTION IV.

HAMILTON.

With the unbounded attachment of his followers, Hamilton, whose fame sustains itself with posterity, had, as a leader, the inexpiable fault of distrust in all he did. What trust could he put in an effort to prop what he deemed a false system? It is melancholy to see him give way, at last, to the despondent conviction of the ruinous disadvantage of his position as a supporter of institutions which he absolutely distrusted. "Mine," he writes in 1802, "is an odd destiny. "Perhaps no man in the United States has sacrificed or done more for the present Constitution than myself; and, contrary to all my anticipations of its fate, as you know from the very beginning, I am still laboring to prop the frail and worthless fabric. Yet I have the murmurs of its friends no less than the curses of its foes for my reward. What can I do better than withdraw from the scene? Every day proves to me more and more that this American world was not made for me."\*

\* Hamilton's Works, vol. vi. p. 530: Letter to Gouverneur Morris, February 27, 1802.

That Hamilton looked, in his more hopeful days, to the federalists being able to overcome, in administering it, what he deemed the defects of the government, appears in his "Impressions of "the New Constitution," dated in 1787; he says,\* "A reunion with Great Britain, from universal "disgust at a state of commotion, is not impos- "sible, though not much to be feared. The most "plausible shape of such a business would be the "establishment of a son of the present monarch in "the supreme government of this country, with "a family compact." . . . "A good administra- "tion will conciliate the confidence and affection "of the people, and perhaps enable the govern- "ment to acquire more consistency than the pro- "posed Constitution seems to promise for so great "a country. It may then triumph altogether "over the State governments, and reduce them "to an entire subordination, dividing the larger "States into smaller districts. The organs of the "general government may also acquire additional "strength."

Another fault of Hamilton, and which would not have been found in Jay or Marshall had they led the federalists, he shared with eminent statesmen of all times; but than which none can be of more

\* Hamilton's Works, vol. ii. p. 421.

hindrance to the American politician, who needs must look to the favour of the people. It was the propensity to intrigue. The so-called Miranda expedition was a desperate intrigue; equally dangerous whether it failed or succeeded, and destructive to the independent existence of the United States. His proposal to Mr. Jay, then Governor of New York, after the issue of their elections, in 1800, had insured the Presidential vote of the State to Mr. Jefferson, to call together the Legislature, which, though superseded by that just elected, had still constitutional life, to meet in extraordinary session, and change the mode of choosing electors, from choice by the Legislature to that by popular districts, thus dividing the New York vote, and taking part of it from Jefferson, was a temptation to the virtue of Mr. Jay that was sternly rejected.\* His other project, of the same year, which met no more success, though supported with a degree of laborious contrivance that was truly astonishing, including the marvellous mistake of his letter of crimination of the

\* See Hamilton's letter to Jay : Hamilton's Works, vol. vi. pp. 438-440. "On this letter is the following endorsement in the Governor's hand: 'Proposing a measure for party purposes, which I think it would not become me to adopt.'" Life of Jay, vol. i. p. 414.

federal candidate, to defeat, at the same blow, both Mr. Adams and Mr. Jefferson, and make the people, without meaning it, or knowing it, elect Mr. Pinckney President, who was the candidate for Vice-President, is a blot on a name which none ought to desire to see blemished.\*

These were the irregularities of political discontent. It was not the funding system, or the French war, which gave triumph to the people. It was the just fears they entertained of men who hated their principles.

## SECTION V.

## WASHINGTON.

When we turn to the disputes that shook the country between the opposing counsels of Mr. Jefferson and Mr. Hamilton, the conduct of Washington calming the dissensions seems the wisdom of a God. In truth, it was that of a man immeasurably their superior. “I believe the views “of both of you to be pure and well meant, and “that experience only will decide with respect

\* See Hamilton's Works, vols. vi. and vii.; History of the Republic, by John C. Hamilton; Memoirs of the Administrations of Washington and John Adams, edited from the papers of Oliver Wolcott, Secretary of the Treasury, by George Gibbs.

"to the salutariness of the measures which are "the subjects of dispute."\* It was that greatness which rises above the passions of men.

It is not common to find the opinions of any man incapable of distortion, and the attempt has been to distort, to party service, the opinions of Washington. Of Jefferson and Hamilton it may be said, not disparagingly, that they were party men; in the same sense in which the same thing may be said of other great public servants and benefactors, in any country. But Washington was a man of a different order; in the amplest sense out of reach of the prejudices of party, he uniformly discouraged, disliked, and despised it. He was a man, if ever there was one, who may be counted always to mean as much as he said; and most emphatically did he declare his apprehensions of party; witness the Farewell Address. He said in 1795,† he was "one who is of no party, "and his sole wish is to pursue with undeviating "steps a path which would lead this country to "respectability, wealth, and happiness." The persons Washington had about him, during his last

\* Letter to Jefferson, October 18, 1792: Sparks's Washington, vol. x. p. 306.

† Letter to Mr. Pickering, July 27, 1795: Sparks's Washington, vol. xi. p. 40.

term of administering the government, were generally federalists; contrary to his strong desire. When Mr. Jefferson's place was filled by Mr Pickering, and Mr. Hamilton's by Mr. Wolcott, he had a less able cabinet, but history can say no more; he parted with their predecessors with reluctance.

We look in vain in all the acts, and words, written and spoken, of Washington, for a justification of the assertion in the preface to the *Ana* of Mr. Jefferson, who, like other active minds, when work was done took to scribbling, that, from the moment of his own "retiring from the administration, the federalists got unchecked hold of General Washington;" that "his energy was abated, "a listlessness of labour, a desire for tranquillity "had crept over him, and a willingness to let "others act and even think for him;" and hence, as Jefferson argued, that he fell under party influences. He had not fallen under Mr. Jefferson's influence; that was the difficulty; Mr. Hamilton found the same difficulty, and felt more bitterly about it than Mr. Jefferson. Posterity, with all the facts before them, may flatly deny Mr. Jefferson's conclusions.

Mr. Jefferson could know personally nothing; for he does not seem to have been at the seat of government from the period of his resignation of

his secretaryship to that of his return to Philadelphia, at the close of Washington's administration, to take his seat as Vice-President. His relations with Washington, meanwhile, were limited to the exchange of four or five letters, and those not on political subjects. Posterity, without the best evidence, would reject the idea that Washington was a man for such "listlessness;" he never was listless; to the last his impulses, not to say passions, were high and strong.\* Imperfectly educated, which made the assistance of secretaries, aids, and ministers with habits of thought and literary labour, acceptable, if not necessary to him; cautious, but like even the most rapid spirits, glad, in administering a government, to avail himself of the judgment of others; where is the evidence that he was open to influences which men of the highest order would not court and invite, and which, in effect, they always do court and invite? The effort made to

\* Mr. Jefferson retired "from the administration" the 31st of December, 1793; two years after, the 1st of January, 1796, Washington made his celebrated answer to the French minister, Adet, when the flags of that country were presented to the United States: "Born, sir, in a land of "liberty," etc., perhaps the most zealous *language* Washington ever used, and, as was well known at the time, most annoying to the federal party.

show, by facts, party influence over the mind of Washington has been made and failed; it has come to nothing, and enough is known, now, of the true history of those days, to satisfy us that it will never find support.

Jefferson, who was, to use a favourite word of his, a *Galloman*, as Hamilton, with the whole positiveness of his nature, was an *Angloman*, did not content himself with the high impartiality of Washington. His pride alone would have made him inaccessible to what are called *influences*. Doubtless, Jefferson would have drawn him further in his own direction, and his conclusions, which were not only those of a party man, but, at the period of which he speaks, a dissatisfied party man, must have, to sustain them, two supports, neither of which do they possess. They must be specific, and they must rest on established facts.

The division of parties was between federalists, so called from their favouring the adoption of the Federal Constitution, and what were called republicans. Washington was a federalist as a framer of the Constitution, and a steadfast adherent to it after it had been put in action. But Madison was a federalist in the same sense, and perhaps more fully than any other person; yet he led the democratic party for years. Other mem-

bers of the convention, signers of the Constitution, went with him and Mr. Jefferson, in opposing what was called the federal party; for example, Governor Langdon,\* of New Hampshire, and Governor Mifflin,† of Pennsylvania. To what is known, in common acceptation, as *politics*, Washington never put his hand. Mr. Jay's Treaty was, of all questions during his Presidency, the most agitated, in and out of Congress. Not only the Treaty, but Washington himself was assailed; yet he appointed Mr. Rutledge, one of the assailants of the Treaty, Chief Justice, to succeed Mr. Jay, who made it; and the Senate, who were politicians, rejected Mr. Rutledge's nomination, for his opposition to a government measure. When Washington took into his cabinet Mr. Jefferson and Mr. Hamilton, he took them, not, as in later days, ministers have been chosen to represent parties. That would have been to stoop.

If these two great men who disputed his favour, and other statesmen since, above all, his successors in the Presidency, could have had imbued in them

\* John Langdon, delegate from New Hampshire; Governor of that State; member of the Confederate Congress; and Senator of the United States under the Constitution.

† Thomas Mifflin, delegate from Pennsylvania; Governor of that State; and member of the Confederate Congress.

Washington's truly democratic idea, that the Executive was meant for a public servant, and not a party leader, our institutions would find more favour than they do. This man, so stern and inflexible, said to a correspondent, in 1793, who had written to him, objecting to the schemes of Mr. Hamilton, "I only wish, whilst I am a servant of the public, to know the will of my masters, that I may govern myself accordingly."\* A sentiment, be it said, which, as none can doubt the sincerity of him who uttered it, showed his intimate appreciation of our system; for if the people are only to be *led*, then where is popular government? To another correspondent, writing to him on Hamilton's financial policy, and the feeling it had produced, he says, "Your description of the public mind in Virginia gives me pain. It seems to be more irritable, sour, and discontented than, from the information I received, it is in any other State in the Union, except Massachusetts, which, from the same causes, but on quite different principles, is tempered like it."† Equal censure of Virginia and Massachusetts!

\* Letter to Edmund Pendleton, September 23, 1793: Sparks's Washington, vol. x. p. 371.

† Letter to David Stuart, June 15, 1790: Sparks's Washington, vol. x. p. 94.

Opposition to the separate rights of the States was federal doctrine. Do any believe that Washington, who, from the chair of the convention, witnessed State jealousies of those rights, and saw them conceded, could have contemplated their transgression? Who can fail to see that Washington's mastery over Hamilton and Jefferson, and the mortifications of vanity which he made them undergo, were very useful to the public? The key to Washington's disinclinations to party, and to his doubts of the measures of party leaders, it is easy to apply. Party daily compounds with what conscience disapproves; and to Washington, the only man strong enough to make his conscience his only guide, it was not necessary to compound.

## CHAPTER V.

## DEMOCRACY COMES INTO POWER.

## SECTION I.

## THE FIRST THREE DEMOCRATIC EXECUTIVES; THEIR SUCCESS.

ON the 4th of March, 1801, democracy came in with the Presidency of Mr. Jefferson; he established a democratic party, raised the standard of victorious opposition to those who would prevent the onward progress of a great movement, reconciled to it, in a degree, the education and intelligence of the country, and helped to its place, its rights and the respect that was due to it, the creed of the majority of the people of the United States. He could not make democracy universal; but he made it orthodox. His government was prosperous, subject to the one blemish of a policy pacific to excess, and the consequent endurance by the country of wrongs which ought never to have been endured, which were not redressed by embargoes and non-intercourse, and came to war at last. His genius, his integrity which has survived all the attacks on it, overcame prepossessions, personal and

political, and contributed to enable his two immediate successors to retire, after, each, eight fortunate years of office, leaving the world in reluctant admiration of a great experiment. For twenty-four years, democracy, derided by Mr. Hamilton and his followers, grew in the opinion of the world. At no time did it give more uneasiness to those who love it not; and at no time was it so studiously decried.

For sober encouragement of rational hope, no period can be pointed to, at which those who desire the advancement of human freedom, and who are not to be satisfied with government like that of Washington, which turned on the individual virtues of an unequalled man, can look with more complacency than the twenty-four years comprised in the administration of the government of the United States by Mr. Jefferson, Mr. Madison, and Mr. Monroe. The reins of central power were held with a just and easy hand, and designs were no longer entertained of dismantling the States of their constitutional rights. Mr. Jefferson's were called French principles; but the theory, and, for the most part, the practice, of his democracy was to leave the people to themselves; while in French democracy, unfortunately the government does everything.

## SECTION II.

## DEMOCRACY UNDERGOES A CHANGE.

When Mr. Monroe withdrew, the country paused, in the choice of a successor, among citizens, all men of mark, but who *sought* the Presidential office, an element then new. Among the competitors for his place, who were Mr. Crawford, Mr. Adams, General Jackson, Mr. Calhoun, and Mr. Clay, the question was of persons only. As between Mr. Adams, who, in obtaining Mr. Monroe's place, and General Jackson, who, in his turn, at the close of Mr. Adams's four years, defeated him and came in, there was, again, no question that was not personal. It was a personal struggle for power. It was, if the comparison can be admitted, as strictly a conflict of persons, as those decided with the sword, between the rival candidates for the supremacy of declining Rome. Like them, it marked an era. The time seemed to come when republican government was to undergo a change, and approach a more dangerous stage of political existence. Party differences of the democratic and federal parties, at the end of the last and beginning of the present century, ran high; but it was not till after the contest for the suc-

sion to Mr. Monroe, that party, having no principles to settle, the federalists being as a party extinct, and measures no longer in question, began to wear the livery of men. Upon the coalition between Mr. Adams and Mr. Clay, which gave to Mr. Adams the Presidency by a vote of States, in the House of Representatives, there arose to the government of Mr. Adams an opposition of the most unsparing kind; differing from any which had preceded it; a personal opposition to Mr. Adams, and a personal support of General Jackson, as his competitor said to be wronged by the election of Mr. Adams.

In historical events, to determine effect to its cause is often as difficult after the fact as before. At the end of the last century, in the loss of their American colonies, which proved a gain to British trade, wealth, and navigation, British statesmen, looking forward, saw nothing but ruin. To-day, the American looks back and asks himself the question, Are personal ambitions the cause that so much true democracy has become nothing but falsehood, or are they only an attending circumstance, the cause lying deeper?

## SECTION III.

## LIBERTY DOES NOT INSURE GOOD GOVERNMENT.

The institutions of a country taken by centuries, ought to be the reflection of its society. But the curious observer, who came among us to study the ways of democracy, would see a society in the vigour of youth, and institutions with the infirmities of age; fallen in favour, while the people they were organized to protect, rise without protection, in much of what goes to enhance the happiness of the country and add to the pride of its citizens.

The people of the United States possess the singular advantage of having been always free; an advantage common to no other people. They have, ever, been unequivocally and absolutely free. The facilities for acquiring pecuniary independence, the comforts of home, the vanities of life, activity of spirit, pride of country, are the lot of all. All Americans have ambition, and the effect has been nationality to excess; with the spirit of individuality, a virtue for which there is no excess. But this is the people. What is the government? A man may have independence, sincerity, and pride, and as a politician give them

little exercise. It may be said that the general tendency of all government is downwards. There is no reason why government in this free country should not have as many vices, though perhaps not of the same kind, as in the most despotic state. We are not wrong when we suppose ourselves, as a population, high above the standard of others; but no citizen of the United States can think that, in point of government, the same superiority is to be claimed; that the thrift and intelligence which belong to us as men, characterize us when we come to engage in public duties and the performance of the functions of office. Why should the American people submit to this humiliating difference?

## SECTION IV.

## RESPONSIBILITY.

The principle of government is responsibility. Nelson said, *England expects every man to do his duty*; a Turk would have said, the Sultan; an Imperialist, the Aulic Council; but this hero said, the people expected it, and to them was the responsibility. He referred his men to the country, which, he said, looked to them to hold it up. If opinions could be expressed as freely to-day as they were in 1787, it would be said, in 1874, that the people

of the United States have no such expectation whatever as that the servants they employ will do their duty.

There is said to be a looseness in democratic government; the laws not being executed because they are laws, but because the execution of them is expected by public opinion. In this censure there may be truth; but our government is loose because its public opinion is base. It is that of some venal combination which gave it power, and to which, and not to the people, it answers. The government is unlike the people, because it neither is chosen by the people, nor answers to them.

The world is said to be governed too much; which ought to be understood, too much for the governing, and too little for the governed. In no other sense is it true that it is governed too much, for men both need governing, and like to be governed. In this democracy of ours, we are most governed when the people are least feared. The more inactive the people, the worse is the government. The President of the United States, who rules four years, the Governor of Pennsylvania, who rules three, love the people less than any monarch who is to be succeeded by his son; and they must be made to fear their responsibility to those whom they do not love. What is to be the

public servant's motive to his duty? It must be what is called responsibility, but which, in effect, is fear. When we were colonies, all who were in authority stood in fear, each of his superior, in due gradation, one to the other, till they came to the Crown and Parliament in London. Having thrown aside this fear, we must find another.

#### SECTION V.

##### IN DEMOCRATIC GOVERNMENT THE RESPONSIBILITY IS TO ALL.

Since we worshipped the sober democracy of Mr. Jefferson, its altars have been profaned with corruptions and environed with perils which, in his time, were unknown. The horror he taught of great establishments; his dislike to money-making, unless with the plough. where are they? He did not know that democracy was destined so soon to flourish, side by side, with the tallest weeds and rankest vices.

It is the commonest of mistakes to think the past is good, and the present bad, and deceive ourselves; but there are things which we know, and cannot deceive ourselves about. We know that on each occasion of the nine first Presidential elections, power was unsought. We know this has long ceased to be. We know, and only a great public change can account for it, that in

the revolution of 1776, a country of some three millions of people produced illustrious men; and in that of 1860, the same country, ten times as populous, did not produce one. No merit appeared that was not military. We know that Washington offered the Department of State to nine different persons, of various politics, all of whom declined the first place in the government. We know that, now, the appetite for place is universal. The day when a monarch will be the American Executive, is farther off than Franklin thought, philosopher and front-rank man though he was; but the negligences of democracy have produced what Franklin may have looked for first, and which now we have, a government that answers to itself, and not to the people; a government without responsibility.

The earlier Presidents, men whom everybody knew, were put in their seats by the people. It became, in later years, usual for those representing the people in Congress, to recommend candidates to them. After the election of Mr. Adams, at the controversy of 1824-5, when the Congressional recommendation given to Mr. Crawford was ratified neither by the people nor the House of Representatives voting by States, a mode was adopted, which has since prevailed, with extensive conse-

quences. They have extended themselves to every office in the country, from the highest to the lowest. The people are supposed to appoint delegates, and the delegates appoint the candidates; but to any plan of action it is a necessarily implied condition that the persons of the drama perform their parts, and in the action of a democracy the part of the people must not be omitted. If the people, the power which ought to appoint the delegates, do not appoint them, another power gets the people's place.\* Gouverneur Morris reasoned well,

\* The fact is familiar, and appears in every variety of form. Mr. Lincoln, by the will of a convention of delegates, became the candidate of his party, and was elected President in 1860, when his name, out of his State, was unknown. Mr. Pierce, in the same way, was made President in 1852, though not much more known to the country than Mr. Lincoln. In both cases, men of national reputation were set aside by the delegates, who find their account, personally, in having inferior men the holders of executive power. So delegates sent to conventions, instructed by popular constituencies, or what are made to seem so, to support a certain candidate, reject him, and take a candidate who had not been thought of. This happened when Mr. Van Buren was set aside, and Mr. Polk nominated and elected. Mr. Burr is said to have said to a young acquaintance, *You will live to see the President of the United States nominated by twenty thousand men in a field.* It is much worse; twenty thousand men in a field would not be governed by a spirit of bargain, sale, and fraud.

that to the people, who ought to know their men. ought to be committed the choice of their federal head. He assumed, believing it or not, that they were equal to the performance of this duty; but, in his day, it was not imagined that by combinations, now so familiar, their power could be taken from them.

## SECTION VI.

## THE MEANS BY WHICH IT COMES THAT GOVERNMENT IN THE UNITED STATES IS NOT RESPONSIBLE TO ALL.

One of the last signs of the decay of the old French monarchy, the great places being filled by the great, was a general thirst for small places, which sprang up in all parts of the kingdom, and enabled Executive power to bind its hungry followers to unscrupulous devotion. The disease of a falling monarchy has seized on a young republic. The proposal in the federal convention to fortify the central Executive by making the Governors of States dependent on the President was held inadmissible; but no Governor of a State can be elected, or, being elected, can maintain himself, on any other principle than one akin to that which the convention refused to entertain or consider; so with all State offices, all federal offices, all municipal offices, and the members of all legislative

and deliberative bodies, municipal, State, and federal.

They look to the President, for to him they are bound. The allegiance is due of every placeman, every law-maker, every public functionary in the entire Union, to a chief residing at the metropolis; or, worse, to his rival in the field, disputing the succession; and he, in return, owes his confidence to each and all of these subordinates. The system is made to work more easily by means of removals from office at each change of political power. A system exists by which every interest is bound up with Presidential patronage and aspirations. If no influence but that of the people were felt in the election of the mayor of a city, their inclinations, if not regulated by considerations of the public good, would turn upon personal or party preferences; but they would be municipal in their character; municipal considerations, municipal preferences, all referring themselves to the affairs of the city. Why should the people ask whether an aspirant to be the city chief would favour the pretensions of a certain aspirant to the Presidency? The answer is, that the same machinery used to ends of federal patronage, is applied to those of city government. They who have the means to control votes, to the election of a President, can

control them to the election of a mayor. The like is true of all elections, and of all political movements. They are all controlled by the same hands. This system has possessed itself of suffrage, to the exclusion of the people, as far as it is possible to exclude them; and that is well-nigh entirely. As almost all Executives and Legislatures, municipal, State, and federal, are elected at the polls, and all placemen whatever who are not appointed by authority which, itself, has been elected at the polls, it is plain that by the control of suffrage, power can be, as, in effect, it is absolutely, consolidated. Democracy gives way to oligarchy; the many to the few.

Republican central authority and its band of myrmidons does not, like royal authority, control local government; does not choose members of municipal, State, and federal Legislatures; cannot appoint, cannot remove Governors of States, or mayors of cities, or any State or municipal functionaries; but, nevertheless, these characters all hold their places on condition of suit, having obtained them on a pledge of it. By this means, the Executive, the width of the continent from the spot where the influence is exercised, binds up with federal policy and his personal interests the local concerns of the meanest or greatest muni-

cipality; and central power goes, by the most despicable instruments, on the meanest errands, to every corner of the republic. Every election is the President's. Every movement, however small it may seem, is for or against him. Thus is expelled the local spirit, the spirit of independence, which is the very blood of the heart of liberty; and we prepare for the day predicted by Franklin. We have, not a monarchy, but we have a hierarchy.

Such is the power that corrupts the politics of the country, and brings upon democracy doubts which are thickening around us. Suffrage represents, not the people, but combinations that usurp their place, and whose contrivances are the counterfeit of the popular will.

#### SECTION VII.

##### THE CITY OF PHILADELPHIA.

The city of Philadelphia contains seven hundred and fifty thousand inhabitants, one-fifth of the people of the State of Pennsylvania, whose population is three million five hundred thousand; being an eleventh part, as the city is a fiftieth part, of the population of the Union, according to the census of 1870. Suppose the vote of the whole country, at a Presidential election, taken in eleven

fractions. The handful of persons who, in Philadelphia, represent the Executive interest, and control to its needs, not on the day of the election only, but every day of the whole year, and permanently, all the immense and costly concerns of the citizens of Philadelphia, cast one of eleven votes that make the President; granting that by means of the city these Pretorians control the State, as commonly they can and do. If they do not with the city control the State, they cast one vote in fifty. That is to say, they make one link of the fifty or eleven links, of the chain that binds the Union to the footstool of Executive power.\*

\* Whence does this handful of persons gather their power? They are not tyrants; they can hardly be called demagogues. They get it by sitting down in an empty seat, that of the people. There are about one hundred thousand votes in the city, and the law, now, divides them among about six hundred and fifty divisions so called, or polling-places; of some one hundred and sixty voters, or eighty of each party, to each division. Party calls, annually, on its voters to come and choose delegates to meet in convention and select the party candidates, but they do not come, and the party managers do it for them. Of the six hundred and fifty divisions there is, perhaps, not one in which a majority of the voters are not well-disposed citizens; but the well-disposed are not represented. The delegates choose candidates like themselves, leaving to the voter, when he comes to the poll, no option

## SECTION VIII.

## THE CITIZENS' NEGLECT OF DUTY, WHAT IT COMES TO.

Governments have a principle of action ; a fundamental principle, which being violated, all goes wrong. We live under democratic government. At the people's command, authority was left to them in 1787. But there are political currents that are as opposite to one another as the upper and lower currents of the ocean ; and democracy, which in 1787 was so much coveted, and was odious too, is though coveted odious still. But it is not the hatred of it that accounts for its abuses, it is the indifference of the people to the democratic task, the task they took on themselves ; the task of the control and mastery over those who serve them. Ask your fellow-citizen his will about public affairs, he expresses himself warmly ; he

but to vote according to bidding, or not at all. What prevents the citizens of each division (it would not cost, during the year, the idlest or busiest man six hours of his time) taking as much interest in providing candidates for office as they do to fill offices in their associations of business, pleasure, charity, or devotion ? If there be divisions in which the majority are bad people, there will be, as democracy can rise no higher than its source, bad candidates, but they will be rare.

takes a deep interest in them. But ask him what he is doing towards procuring a representation of his will, he is doing nothing. This is not democratic government, but it is the government under which we live; and it has become bad government.

Why should the people of Italy, Holland, Belgium, Germany, France, England, have better governments than ours, more obedience, more order, more system, public functionaries less ignorant and more capable than ours? The American citizen is free in his person; but, of his property, more is mortgaged to the public than in any other country. It is a signal proof of misgovernment that, being the youngest country of the world, we are the most heavily taxed.\* When

\* We might take, for the position, general, and perhaps uncontradicted, belief. But the report of the commissioners of the 16th of February, 1871, appointed to revise the laws for assessment and collection of taxes in the State of New York, sustains the assertion in the text. "The aggregate *per capita* taxation of the whole country" (namely, the United States), "according to these different estimates, would therefore be \$21.83, \$19.26, and \$16.09, respectively; the last figures representing probably the minimum, and indicating a larger *per capita* taxation than any modern nation has ever before been subjected to, continuously, in time of peace." (Page 9.) It more than sustains the text, if the rate, *per capita*, of the most heavily taxed other countries is,

the people of Europe see their money lavished on showy establishments, they may not think it well spent; but, with us, it disappears in the collection. If the two interests which divide the cares of men, their persons and their property, are equally dear to us, they are very unequally protected. It would be astonishing to see ourselves represented by persons, so many of them destitute of qualifications, did we not know that, in point of fact, they do not represent us. As a new people we may be unfinished; the older countries may have a more strict economy, more perfect command of labour. But let us admit that, in the civilized world, there is no government in which office is so little warrant, as in ours, of personal respectability. There must be in the United States, where we say we choose them, more discreditable persons in public employ, men indifferent to their duties, and unworthy of them, than in any European country, however governed. This may seem unaccountable; but no, ours is the country of all others, where those who give the places and those who fill them have the least interest in seeing the public served.

as it is thought to be, very much below the ascertained minimum of \$16.09 of the United States.

## SECTION IX.

## CENTRALIZATION.

Ours is centralization, not as proposed to the convention and overruled, but democratically. When Mr. Hamilton, as Mr. Jefferson understood him, said, *Purge the British constitution of its corruption and you make it an impracticable government*, he may have been right. speaking of a centralized country, which was an oligarchy; but a corrupt democracy, corrupted universal suffrage, is centralization indeed! An established church, a standing army, an hereditary aristocracy, are sources of power that consist with public order and security, as we see in so many countries of the world; but democratic institutions, with suffrage controlled by Executive power, is the worst source to which authority could possibly trace itself. If, in Great Britain, the head of the ministry, or of the opposition, to make good his pretensions to the lead, should put in motion machinery like ours, he would shake the kingdom. Under despotic government, even the measure of the sudden change of all the placemen could be resorted to but once. It would break everything to pieces. Only the robust articulation of a demo-

eratic society has enabled us to bear it. Agitation, which commonly is from the extremities to the centre, with us, more dangerous, is from the centre to the extremities. We have incessant turmoil, but not as the price of liberty.

If Mr. Hamilton could have reversed the instincts of his countrymen, and the longings of the nations of the earth, and, turning back upon its source the current of popular feeling, made his experiment of a constitution, by which the Executive and Senate were on life tenure, and the Governors of States appointed by the General Government, with a negative on State laws, our institutions, thus committed to a few, and removed from the influence of the many, might have endured till the country shrunk to a monarchy, or relieved itself by revolution. Concentrated to the Presidential election, democracy may be compared to a river whose volume of water, in its course towards the sea, has to pass a point where its channel is too narrow for it, and the stream, which before was salutary and refreshing, becomes a turbid and filthy torrent.

## CHAPTER VI.

## APATHY OF THE PEOPLE.

## SECTION I.

## ITS EFFECTS IN A DEMOCRACY.

Most of the British constituencies once were popular; but, in progress of time, some by corruption, others through indifference of the many, fell to the few, and so much of popular power was lost, going to the aristocracy, a respectable order. If, in the United States, where the respectable order is the people, power is lost, it goes to conspirators, whose trade is plunder.

In the debates in the British Parliament, on the Reform Bill of 1831–2, it was said by one of the Commons, opposing the reform, that any six hundred and fifty gentlemen, picked up—such was the expression—at Hyde Park Corner, would make a very good House of Commons; meaning, that these persons would, other things equal, frame the laws and mould the policy of Great Britain as well as if they had been voted for in six hundred and fifty popular constituencies. If

the fact be assumed, that the people are not to influence, the observation had wisdom as well as wit. It was a way of complaining of the project to take one of the Houses of Parliament out of the hands of a class, and give it to the people. Their system was oligarchical, and the British constitution, when they passed the Reform Bill, was disturbed, if not changed. In the United States, our system is democratic, and to contrive against the people, whose power, openly, none dare to disturb, is a crime.

Let democracy be a mistake, we can work no other vein till that is exhausted. "The circumstances and habits of every country," said Mr. Burke, "which it is always perilous and productive of the greatest calamities to force, are to decide on the form of government."

In Europe, the interest taken by the citizen in his government is small, and less and less as it approaches absolutism; in this country, less and less as it approaches the influence of the few.

Party is like an army, the officers think and the ranks obey. It is no substitute for the noble independence of individual opinion. To know the vote of the member of any legislative body in the whole country, on any subject, political or not, you have only to know his faction. Indi-

viduality, which is the core of the man, has been taken away from him. If the people cannot think for themselves, democracy is a false system. If that popular judgment, which is the surest, is inaccessible, or, being accessible, is unmanageable, we must return to aristocracy, which has produced good and great men. They are never produced by democracy when the people are in that languid condition where there is no efficient public opinion. If we had had a public opinion, we would not have had a civil war; for a public sentiment that was active and efficient would not have suffered itself to be forced, contrary to all its prejudices, into the vagaries of the abolitionists.

The South American republics had governments as well designed as ours, and they failed because the people did not take interest enough in them to support them. "In Connecticut," said Roger Sherman, insisting to the federal convention that the term of service of Senators ought to be short, "we have existed one hundred and thirty-  
two years under an annual government;" but, he added, "as long as a man behaves himself well he  
is never turned out of office." Evidently, the virtue of that government was in the people. But, see the effects of the apathy of the people!

From the time of Mr. Jefferson's coming in, to this day, democracy has been in the ascendant; yet, in 1861, the government, with the weight of its accumulated sins, went crashing to the ground, and a long and doubtful conflict of arms followed, dragging democracy at the heels of a soldiery. For the last thirty of the sixty years elapsed since Mr. Jefferson's election to the Presidency, the power of the people was not exercised, and the tenure of office was independent both of the will of the people and the behaviour of the incumbent; the consequence has been bad government. That exhausts the patience and wears out the spirit of a people. Men, for the sake of repose, surrender their liberty. It was thus hostilities closed between the States, in 1865. The people of the South, tired of war, which is the exaggeration of bad government, exchanged their liberties for a promise. They were promised they should plough their lands in peace.

## SECTION II.

### THE PEOPLE OF TOWNS.

By the census of 1870\* it appears that, in the United States, of its 38,558,371 people there are

\* "Ninth Census of the United States. Statistics of Population. Tables I. to VIII., inclusive."

5,675,775, nearly one-seventh, who inhabit towns and cities of upwards of 26,766 inhabitants. Add to these the smaller towns of 10,000 inhabitants, or perhaps 5000, and it will be seen how much of what passes for popular will is counterfeit; for those who usurp the people's office control much of all this town population.

It was provided, by the late convention to revise the Constitution of Pennsylvania, that, in towns of upwards of one hundred thousand inhabitants, not more than two hundred and fifty votes should be taken at the same polling-place. It was meant to diminish the opportunities for fraud; but fraud will never end, as long as the people will tolerate it. Elections at these small polls will be with more difficulty carried by fraud, until the day comes when the managers of them learn to apply it more readily, the smaller the poll is; and that will be soon. No precaution avails if the people are indifferent.

Patriotism is common enough as a sentiment; but, for purposes of action, it must be a virtue, and a difficulty of free government is that this virtue ought not to be rare.

If, of two hundred and fifty voters, two hundred and forty-five stand by and let five choose their representatives, this means want of patriotism.

At the State election for Pennsylvania held in November, 1874, the city of Philadelphia polled for the minority ticket about forty-seven thousand votes; of which not less than ten thousand had to be brought to the polls by the payment of the half-dollar tax which qualifies the voter, out of a public purse raised for the purpose. Five thousand dollars were thus expended in sums of half a dollar. Without this the votes might have been lost. On the other side, that of the majority, the probability is that a much larger number of their votes had to be so taken care of.

## SECTION III.

## WASHINGTON'S IDEAS.

At so early a period as the year 1786, before, in politics, corruption could have been thought of, a nephew of Washington wrote to him, "We have lately instituted a society in these lower counties, called the *Patriotic Society*. As it is something new, and there are a few men both good and sensible who disapprove of it, it will be a high gratification to me to know your sentiments of it, if you will be so kind as to communicate them. The object of the institution is to inquire into the state of public affairs; to consider in what the

“ true happiness of the people consists, and what  
“ are the evils which have pursued, and still con-  
“ tinue to molest us; the means of attaining the  
“ former and escaping the latter; to inquire into  
“ the conduct of those who represent us, and to  
“ give them our sentiments upon those laws which  
“ ought to be, or are already made.” Washington  
answered, . . . “ Generally speaking, I have  
“ seen as much evil as good result from such so-  
“ cieties as you describe the constitution of yours  
“ to be. They are a kind of *imperium in imperio*,  
“ and as often clog as facilitate public measures.  
“ I am no friend to institutions, except in local  
“ matters, which are wholly, or in a great measure,  
“ confined to the county of the delegates. . . . May  
“ not a few members of this society, more sagacious  
“ and designing than the rest, direct the measures  
“ of it to private views of their own? May not  
“ this embarrass an honest, able delegate, who  
“ hears the voice of his country from all quarters,  
“ and thwart public measures?”\*

Did he see in these societies the germ of those middle men, the curse of democracy, who being neither people nor government, act for both? These Virginia gentlemen, whose scheme Wash-

\* Letter to Bushrod Washington, September 30, 1786: Sparks's Washington, vol. x. pp. 198, 199.

ington condemned, meant to substitute themselves for the people, for whom he thought there must be no substitute. A system by which persons are delegated to devise principles for the people and rules for their representatives eats at the root of democracy. It is not mere stringency of party that makes the American legislator too timid and too bold. It is stringency of party controlled by cabals and conventions which stand between him and responsibility to the people.

Eleven years later, when Washington had retired to Mount Vernon and from the public service, as he supposed, forever, he writes to a correspondent, "The President's speech will, I conceive, "draw forth, meditately or immediately, an expression of the public mind; and, as it is the right "of the people that this should be carried into "effect, their sentiments ought to be unequivocally "known, that the principles on which the government has acted, and which, from the President's "speech, are likely to be continued, may either be "changed, or the opposition, that is endeavouring "to embarrass every measure of the Executive, "may meet effectual discountenance."\* Such was this man's idea of duty. The Executive was to

\* Letter to Thomas Pinckney, May 28, 1797: Sparks's Washington, vol. xi. p. 202.

“ draw forth” “an expression of the public mind, “and, as it is the right of the people that this “should be carried into effect,” to change, if need were, his policy, and make it accord with it. A President, now, who changed his front, would be ruined. His business would be, in case of hesitation in the public mind, to summon to the field his office-holders.

## SECTION IV.

## JEFFERSON'S IDEAS.

Writing to a friend in 1816, Mr. Jefferson said,\* “Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, “and feels that he is a participant in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Cæsar or a Bonaparte. How powerful did we feel the energy of this organization in the case of the Embargo! I felt the foundations of the government shaken under my feet by the New Eng-

\* Letter to Mr. Cabell, February 2, 1816: Jefferson's Works, vol. vi. p. 544.

"land townships. There was not an individual in  
"their States whose body was not thrown with all  
"its momentum into action; and although the  
"whole of the other States were known to be in  
"favour of the measure, yet the organization of this  
"little selfish minority enabled it to overrule the  
"Union." These were the people. They were to  
make up their own minds. Have we returned to,  
once more, the European idea that they were to  
have their minds made up for them? He urges  
on his correspondent that "the way to have good  
"and safe government, is not to trust it all to one,  
"but to divide it among the many;" to divide and  
subdivide "these republics from the great national  
"one down, through all its subordinations, until it  
"ends in the administration of every man's farm  
"by himself;" to avoid "the generalizing and con-  
centrating all cares and powers into one body,  
"no matter whether of the autocrats of Russia  
"or France, or of the aristocrats of a Venetian  
"Senate."

## SECTION V.

## THE BETTER CLASSES.

With a waywardness that is wonderful, the ele-  
ments of society the most interested in govern-  
ment, the respectability, the capacity, the property,

the education, stand aloof from it. The silly boast, so often heard, of abstinence from politics, ought to be looked upon as a marvel of folly; for where will these abstinent citizens find themselves at last, if their private concerns cannot come for succour to that common and general welfare of the republic, and of republican liberty, without which all the rest is idleness and vanity? If the enlightened, the learned, the wise, the rich, choose to stand aside from public duties and affairs, and commit to their own unaided efforts, without that precept and example, which it is important they should have, their less fortunate fellow-citizens, let them cease to complain of the disappointments of democracy.

## SECTION VI.

## THE PEOPLE'S INFLUENCE.

What is that influence which is not judicial, is not legislative, is not executive? It is the influence of the people; and if meant to exist, it is meant to be felt. When Hamilton said to the federal convention, speaking of the British House of Lords, "it is a most noble institution," he meant for influence, more than legislation; the influence of the landholders, who in England have been the people since the division of the island after the

Conquest. Look at any legislative body, aristocratic or democratic; how few really able men, how many ruled by motive merely selfish and scarcely honest. Without the influence of society, namely, the pressure from without, what is government? Hamilton wanted influence in order that faction might not snatch it; and that has happened; faction has snatched it. His fear has come to pass. Is democracy, as he called it, a "poison";\* as Mr. Gerry called it, "the worst of all political evils"?† Hamilton, whom we cite, not in derogation of a great and illustrious citizen, but as a representative man, whose opinions controlled those of a train of followers, thought the landholders could wield an influence and the people could not. Actually the people do not wield it. What makes the pride of the citizen is his importance; but where is it if his influence is gone? Where is the pride of the citizen when through political contrivances to which he is becoming almost reconciled, he sees himself in the keeping of the venal and the vile?

\* Letter to Mr. Sedgwick, July 10, 1804: Hamilton's Works, vol. vi. p. 568.

† Madison Papers, vol. iii. p. 1603. .

## SECTION VII.

## FAULTS OF GOVERNMENT ARE THE FAULTS OF THE PEOPLE.

The faults of government in the United States must be looked for in the people. They let their will be intercepted by a scum which lies on the surface, and that scum is reflected in their government and institutions. The institutions of England reflect the selfishness of an aristocracy, mixed with a certain awe of the people. The institutions of Asia, where they were told three thousand years ago, "thou shalt not plough with an ox and an ass "together," and where they are told like things to-day, reflect barbarism. It was remarked of the Scotch Highlanders, who, by the Act of Union of 1701, became citizens of Great Britain, that, for years, they had none of the advantages of their citizenship, by reason of the rudeness of their society. If the Constitution and laws of this Union were transferred to Asia, they might stand in the book unaltered, and be nothing but a despotism; as the British government would have been in 1701, had all its subjects been Highlanders. We may be sure the vices of governments will be as great as the people will bear. The ultimate point of virtue, of which government is capable, is marked by society. It cannot be

better than society, and may be much worse. When they lived on revenues of their own, kings were solitary tyrants. When, royal revenues being mortgaged and sold, the people began to come forward, and taxing them had to be resorted to, the prince found himself, in some sort, a member of society.

## CHAPTER VII.

### DEMOCRACY TESTED BY THE INSTITUTION OF DOMESTIC SLAVERY.

#### SECTION I.

ADMITTED INTO THE CONSTITUTION OF THE UNITED STATES.

THE people of the United States, with the confidence of freemen, who, making the laws, are more ready to obey than those who, reluctantly receiving, are swift to disregard them, to form their union, imposed on themselves the constitutional necessity to respect the institution of slavery. But, when Providence let the mother-country gratify its avarice in the trade of slaves, and curse their colonies with buying and holding them, Divine wisdom prepared for the new democracy discredit and shame.

#### SECTION II.

FOREIGN INFLUENCE.

It had been among the fears on the floor of the convention of 1787, that foreign influence would be brought to bear on the election of the President of

the United States; and some years after, the subject of abolishing their slavery and slave-trade was discussed in England, a foreign country whose influence in the United States has been great. The feeling was confined to England. In 1814, after much agitation there, it had become so prominent that a communication was made to the government of France, by the British Ambassador, that the French newly-established royalty was expected, by their recently-acquired English friends, to take the abolition of the slave-trade into immediate consideration. The British Ambassador, who was the Duke of Wellington,\* that made known this expectation, was sneeringly asked by the French minister who received it, whether it was really possible that the King, his master, whose soldiers, native-born Englishmen, he enlisted into slavery for life, could disturb himself about the bondage of a few barbarous Africans. The French minister expressed the common European sentiment of that day.

But English agitation increased, and enlarged its sphere, from abolition, so far as it could be reached, of the trade in slaves by themselves and other nations, to the emancipation of their own negroes, which took place in the year 1834.

\* Despatches of the Duke of Wellington, vol. xii.

From that day forth, British benevolence, which had the undeniable merit of paying a sum of money for the freedom of their own slaves, addressed itself confidently, and more openly than before, to fanatical feeling, and democratical susceptibilities, in the United States. It gave unhappy reality to the fears of 1787. It lent the aid of the British press, inspired by the sentiment of a few persons, and the natural jealousy of all England of the rising fortunes of those who had been their colonists and now were their rivals, to the struggle of American agitation, which finally subjected the election of a President of the United States to the degradation and shame of a foreign and hostile influence. But for British meddling, we might never have seen recent events. Its countenance gave to fanaticism that mother-country respectability which, in the last century, was acknowledged, unlamented, by the Jeffersons and Franklins. With an incomparable national vanity, we have never had, to this day, pride enough to overcome that colonial feeling, which long ago ceased to be respectable.

## SECTION III.

## SLAVERY AND FREEDOM.

Forced on us for the sake of English gains, though slavery had prevailed in all the colonies, it was, after their independence, abolished by those of the North, where it was found to be unprofitable. In the South, where it was profitable, it remained. The prejudice of race, nowhere stronger than in the North, and the feeling of resentment towards those who, under pretence of bettering the condition of the unfortunate blacks, aspired to unsettle the compromises of the Constitution, were illustrated in the North by acts of popular fury against the originators of the agitation. In the universal and honest horror of the people, with which the principles of those men were received in all parts of the Northern States, seemed to beat the pulse of the country. But though there has been no time when the world did not abound in slaves, and the citizen of the United States saw in his bondmen the poor negroes, by nature beneath improvement, not creatures like himself, capable of enlightenment and education, the enforced service of human beings could never be less than odious.

It was reproached to the South that they were an aristocracy; but there was more equality and

more freedom in the South than in the North, when the slave line was passed. "I do not mean, " sir," said Mr. Burke, in his speech on the conciliation of America, "to commend the superior " morality of the sentiment, which has at least as " much pride as virtue in it; but I cannot alter the " nature of man. The fact is so; and these people " of the southern colonies are much more strongly, " and with an higher and more stubborn spirit, at- " tached to liberty than those to the northward. " Such were all the ancient commonwealths; such " were our Gothic ancestors; such in our days were " the Poles; such will be all masters of slaves who " are not slaves themselves. In such a people the " haughtiness of domination combines with the spirit " of freedom, fortifies it, and renders it invincible."

The mind must be diseased, or greatly deceived, to make a general defence of slavery; but to us it was by no means an universal evil. How far it may have aided, as Burke supposed, to fire the spirit of liberty, need not be inquired; but that political virtue, more important to a republic than private virtue, which has become less and less common in the North, did not decay in the South. The honour of the country was always safe with them. The political South produced more truly independent spirits than the North. The corre-

spondence, lately published, of Mr. Crittenden,\* shows a public man, during a career of fifty years of service without a stain, who never looked, in all that time, to the right or the left, and yet had, from first to last, at the hands of his constituents, a political support, as steady as the honourable confidences of private life. But a people half slaves when around them all are free, are at incurable disadvantage. It is a weakness, that steals on their whole organization.

Slaves were ever regarded by their Southern masters as weakness to the commonwealth, the heaviest burden on prosperity, and a possession the most uncertain of all. This feeling was well expressed in the federal convention by a delegate from North Carolina, when, the question being on leaving South Carolina and Georgia out of the Union, or permitting them to import negroes for a limited period, he said that, "both in opinion and practice, he was against slavery; but thought it more in favour of humanity, from a view of all circumstances, to let in South Carolina and Georgia on those terms, than to exclude them from the Union."

\* Life of John J. Crittenden, with Selections from his Correspondence and Speeches; edited by his daughter, Mrs. Chapman Coleman.

No man could say what was to be the solution of the problem of negro slavery; and no man can say, now; for who can insist on the gain by emancipation, when we still have the negro? In Europe the question was resolved by time; slavery gave way before the changes of society, and the last of it disappeared in the present century.\* "To set

\* "In almost no part of Germany, at the end of the eighteenth century, was slavery completely abolished, and in most places the people were positively attached to the glebe, as in the Middle Ages. Almost all the soldiers who composed the armies of Frederick II. and Maria Theresa were actual slaves. In most of the German States, in 1788, the peasant could not quit the seignory, and if he did he could be pursued, wherever he was, and brought back by force, etc. He could neither rise, nor change his occupation, nor marry, but by the consent of his master. A large part of his time must be given to his service," etc. *L'ancien Régime et la Révolution*, par Alexis de Tocqueville, pp. 57, 58.

*Note to p. 57 (p. 370) of that work:*

"Dates of abolition of slavery in Germany.

"It will be seen by the following table that the abolition of slavery in most of the countries of Germany is very recent. Slavery was abolished:

"1. In the territory of Baden in 1783;

"2. In Hohenzollern in 1789;

"3. In Schleswig and Holstein in 1804;

"4. In Nassau in 1808.

"5. Prussia. Frederick William I. had abolished, from

“the slaves afloat at once,” said a great emancipationist, Washington, with his habitual moderation of language, and at a time when they were in number not much more than half a million,\* “would, I really believe, be productive of much ‘inconvenience and mischief.’” But the father of

“1717, slavery in his domains. The code of the great Frederick, as we have seen, pretended to abolish it in the whole “kingdom; but in reality he only abolished the severest “form, *leibeigenschaft*: he preserved it under its mild form, “*erbunterthaenigkeit*. It was only in 1800 it ceased entirely.

“6. In Bavaria slavery disappeared in 1808.

“7. A decree of Napoleon, dated at Madrid, in 1808, abolished it in the grand duchy of Berg, and in various other small territories, such as Erfurth, Baireuth, etc.

“8. In the kingdom of Westphalia its abolition dates from 1808 and 1809.

“9. In the principality of Lippe-Detmold, from 1809;

“10. In Lippe-Schomburg, from 1810;

“11. In Swedish Pomerania, also from 1810;

“12. In Hesse-Darmstadt, from 1809 and 1811;

“13. In Würtemberg, from 1817;

“14. In Mecklenburg, from 1820;

“15. In Oldenburg, from 1814;

“16. In Lusatia, in Saxony, from 1832;

“17. In Hohenzollern-Sigmaringen, from 1833 only;

“18. In Austria, from 1811. From 1782, Joseph II. had abolished the *leibeigenschaft*; but slavery under its mild form, *erbunterthaenigkeit*, lasted until 1811.”

\* Letter to La Fayette, Mount Vernon, May 10, 1786.

his country never imagined giving them political power.

By the census of 1870, of the population of the United States more than the eighth part is negroes;\* we are by one-eighth less capable of self-government than before we gave votes to them. It is probable that in the United States, of the very humblest part of society, there were few men not competent to the exercise of the right of suffrage; we may conjecture that not a citizen in fifty was incompetent. But, by giving the negro a vote, it is every eighth voter that is incompetent; a sudden and frightful degradation. Were the population of the United States all negroes, their institutions would not last a year. They would not last much longer if half were negroes. What the influence is to be of the eighth part being negroes remains to be seen. If there be anything which the Almighty, who leaves so much dark and impenetrable, has made plain, it is that the works of his hand are meant to differ in perfectness; and that it is not training and education which makes

\* See Ninth Census of the United States, Statistics of Population, Tables I. to VIII., inclusive: p. 3, total population, year 1870, 38,538,371; p. 4, total white population, year 1870, 33,589,377; p. 5, total free colored population, year 1870, 4,880,009.

the difference between orders of animals and races of men; between the intellectuality of the Hottentot and of the countrymen of Raphael and Galileo.

The aborigines are a very superior race to the negro; what would be thought of the statesman who should transfer to the cultivated fields and cities of this Union what remains unslaughtered in their woods of those unfortunate beings to whom the North American continent once belonged; bestowing on them civil rights, and making them numerical majorities in some States, and voters in all?

If we are to have a negro level, or a level measured and adjusted to the relative proportion between white and negro population, our intelligence and virtue, public and private, must come down to it. Congress, the newspapers, state papers, art, science, and literature, the whole intercourse of life, all that we say and do, must descend to it.

#### SECTION IV.

##### THE MISSOURI QUESTION.

Before the slavery question was made to bear on the Presidency, and when it first showed itself, in the form of the Missouri restriction, Mr. Jeffer-

son, than whom was no truer emancipationist, and the quickness of whose political vision was one of his distinguishing traits, looking out from his retirement at the condition of the country, thus expressed his fears for the future; he expressed them with that zeal which sometimes interfered with the soundness of his conclusions: "With us things are going on well; the boisterous sea of liberty indeed is never without a wave, and that from Missouri is now rolling towards us, but we shall ride over it as we have over all others. It is not a moral question, but one merely of power. Its object is to raise a geographical principle for the choice of a President, and the noise will be kept up till that is effected. All know that permitting the slaves of the South to spread into the West will not add one being to that unfortunate condition, that it will increase the happiness of those existing, and, by spreading them over a larger surface, will dilute the evil everywhere, and facilitate the means of getting finally rid of it, an event more anxiously wished by those on whom it presses than by the noisy pretenders to exclusive humanity. In the mean time, it is a ladder for rivals climbing to power."\*

\* Letter to La Fayette, December 26, 1820: Jefferson's Works, vol. vii. p. 194.

It is a wretched fact, but none the less true, that in the contests of States right and wrong matter little. Power cuts the knot; argument there may be, but power settles it. We have made numerous treaties in adjustment of controversies with Great Britain, and, for the most part, have had reason on our side, and the best of the argument, as the weaker party commonly has; but every case went against us until 1871, when the Alabama case, the most doubtful we ever debated, was determined in our favour. It was not right and wrong, but the balance of power, much altered of late years, that ruled the Alabama question on principles which half a century before were appealed to in vain. So, with power, the Slavery question changed too.

That question first appeared, in the federal convention, at a time when the difference of power between the North and South was almost nothing. The question was how population should be counted with a view, particularly, to representation; and the South, holding many slaves, said they must be counted; the North, holding few, said, No,\* if animals of draft and burden are

\* Madison Papers, vol. ii. pp. 842, 843. Mr. Gerry: "Why, then, should the blacks, who were property in the South, be in the rule of representation more than the cattle and horses of the North?"

counted, we must count our horses as well as our slaves; and what is known as the three-fifths rule was established, which was a just settlement. The parties, when they made it, had nearly equal power. By that settlement, a slave, North or South, was reckoned, for purposes of representation, at two-fifths less than the freeman, and on this basis democracy elected its great men. But in 1819 a seed was sown which produced deadly fruit; out of it grew events which have exhibited the weakness of democracy; events, the ultimate consequences of which remain to be developed.

The population of the North had much increased over that of the South; and when, in that year, Missouri applied for admission to the Union, the House of Representatives, by a vote of eighty-seven against seventy-six,\* refused her admittance as a

\* The vote on the clause of the bill prohibiting "the further introduction of slavery" was 87 to 76; on the clause providing that children born after the admission of the State to the Union shall be free at the age of twenty-five years, the vote was 82 to 78; on ordering the bill engrossed for a third reading, the vote was 97 to 56. (*Annals of Congress*, pp. 1214, 1215, February 16, 1819.) In the Senate, voting by States, the majority was against the restriction. The Compromise Bill passed the House the 2d of March, 1820, by a vote of 134 to 42. *Annals of Congress*, pp. 1587, 1588, March 1, 1820.

slave State. This was power; the simplest exercise of it; unconstitutional in the highest sense, for it violated the Constitution in a way that disturbed the foundations of the Union. From territory which had been acquired from France by the common treasure of the Union, the South was excluded.

## SECTION V.

## THE EQUALITY OF THE STATES.

To refuse to a new State the rights which the old States had, was to deny her equality with them. The State of Missouri must be equal to Pennsylvania; no State could be above another, or have superior rights to another. Pennsylvania had abolished slavery; she might restore it: Virginia tolerated slavery; she might abolish it: but this was not to be so with Missouri. If this restriction could be placed on Missouri, so could another; her suffrage might be abridged, her religious freedom; she might have a restricted press, or curtailed representation in Congress. Upon the rule of the inequality of one State with another, the vital principle of the Union was gone. The pernicious consequences of inequality, the impossibility of union on any terms short of equality, have been signally developed by events since the close of the

war. But war was not necessary to the establishment, in reason, of a rule so plain. Union cannot be founded on the degradation of a party to it.

To banish immediate fears, what was called the Missouri Compromise followed, saving the Union, for the time. It was made the condition of the admission of Missouri that thenceforth no States should hold slaves north of the line  $36^{\circ} 30'$ ; that in "territory ceded by France to the United States, under the name of Louisiana, which lies north of  $36^{\circ} 30'$  of north latitude, not included in the limits of the State contemplated by this act," namely, the State of Missouri, "slavery and involuntary servitude, otherwise than for the punishment of crime, whereof the parties shall be duly convicted, shall be, and is hereby, forever prohibited." Thus the South, instead of being excluded from all the newly-acquired territory, were excluded from part of it; and this was the Missouri Compromise. It was a constitutional change effected, not by amendment of the Constitution, but by a law of Congress. A statute recast the States in a new relation with one another, neither consistent with concord, nor conceived by the founders of the Union. Better would it have been, could the area of slavery have remained without a limit, and the Union have lived in

peace; but the weakness of the South had been brought to light, and party was prompt to use it. In 1819 the ground was laid for those agitations which came to civil war in 1861. The South, though, as Mr. Jefferson said of slavery, it was "not a moral question, but one merely of power," lost caste as well as power. They had submitted to an injury that was a standing affront, and it became the available precedent for universal solution of all questions that afterwards arose about negro slavery, which was established to be, not only a moral wrong, but a political disability. Such was the Missouri Compromise, a compromise that was a fatal blow to the Constitution. It was eagerly sought by the South, reluctantly consented to by the North. From that day the most vulnerable of our institutions, negro slavery, ceased to have constitutional protection. It had to look to acts of Congress.

## SECTION VI.

## HOW THE MISSOURI COMPROMISE BILL OBTAINED THE EXECUTIVE APPROVAL.

The means by which the Missouri act obtained the signature of the President, Mr. Monroe, is a piece of history that was brought to light in 1848,

in a debate in the Senate. The question was on the territorial government of Oregon.\* Among Mr. Monroe's manuscripts was found, written with his own hand, a paper marked "Interrogatories, " Missouri—March 4th. 1820—to the heads of "departments and attorney-general—questions—" Has Congress a right, under the powers vested in " it by the Constitution, to make a regulation prohibiting slavery in a Territory? Is the eighth "section of the act which passed both Houses on "the 3d inst., for the admission of Missouri into "the Union, consistent with the Constitution?" With it was found the draft of a letter in Mr. Monroe's writing, the draft not addressed, but the letter supposed to have been written to General Jackson. The text of the draft, which is somewhat interlined, reads thus: "Dear Sir.—The "question which has lately agitated Congress and "the public has been settled, as you have seen, by "the passage of an act for the admission of Mis- "souri as a State, unrestrained, and Arkansas, "likewise, when it reaches maturity, and the "establishment of  $36^{\circ} 30'$  north latitude as a line, "north of which slavery is prohibited, and per- "mitted to the south. I took the opinion, in "writing, of the administration, as to the constitu-

\* Congressional Globe, July 26, 1848, pp. 1178, 1179.

“tionality of restraining Territories, [and the vote  
“of each member was unanimous and] which was  
“explicit in favour of it, and as it was that the  
“eighth section of the act was applicable to Terri-  
“tories only, and not to States when they should  
“be admitted into the Union. On this latter point  
“I had at first some doubt; but the opinions of  
“others, whose opinions were entitled to weight  
“with me, supported by the sense in which it was  
“viewed by all who voted on the subject in Con-  
“gress, as will appear by the Journals, satisfied  
“me respecting it.”

In the same debate were produced, obtained from the family of Mr. John Quincy Adams, then dead, but in 1820 Mr. Monroe's Secretary of State, and during the whole of both terms of his Presidency, these extracts from the diary of Mr. Adams. “March 3, 1820. When I came this day  
“to my office, I found there a note requesting me  
“to call at one o'clock at the President's house. It  
“was then one, and I immediately went over. He  
“expected that the two bills, for the admission of  
“Maine and to enable Missouri to make a consti-  
“tution, would have been brought to him for his  
“signature; and he had summoned all the mem-  
“bers of the administration to ask their opinions  
“in writing, to be deposited in the Department of

" State, upon two questions: 1. Whether Congress  
" had a constitutional right to prohibit slavery in  
" a Territory? and 2d. Whether the eighth section  
" of the Missouri bill (which interdicts slavery  
" *forever* in the territory north of 36½ latitude)  
" was applicable only to the territorial state, or  
" would extend to it after it should become a State?  
" As to the first question, it was unanimously  
" agreed that Congress have the power to prohibit  
" slavery in the Territories. March 5. The Presi-  
" dent sent me yesterday the two questions in  
" writing, upon which he desired to have answers  
" in writing, to be deposited in the Department of  
" State. He wrote me that it would be in time,  
" if he should have the answers to-morrow. The  
" first question is in general terms, as it was stated  
" at the meeting on Friday. The second was  
" modified to an inquiry whether the eighth sec-  
" tion of the Missouri bill is consistent with the  
" Constitution. To this I can without hesitation  
" answer by a simple affirmative, and so, after some  
" reflection, I concluded to answer both. March 6.  
" . . . I took to the President's my answers to his  
" two constitutional questions, and he desired me  
" to have them deposited in the Department, to-  
" gether with those of the other members of the  
" administration. They differed only as they as-

“signed their reason for thinking the eighth section of the Missouri bill consistent with the Constitution, because they considered it as only applying to the territorial term; and I barely gave my opinion, without assigning for it any explanatory reason. The President signed the Missouri bill this morning.”

Thus, the Missouri Compromise may be said to have received the Executive sanction because, taken in its true meaning, it seemed so plainly unconstitutional that another meaning had to be given it. It was to be supposed, so Mr. Monroe said, that Congress meant to restrict, not States, only territory before becoming States; and that from our acquired possessions north of  $36^{\circ} 30'$  slavery was excluded by this bill, while they were in territorial condition; not when they came in as States; they were not then controlled or controllable. They might, as might those south of the line, or the original States, whether north or south, establish or abolish slavery at their pleasure. This, as distinctly appears by Mr. Monroe's words, namely, “The eighth section of the act was applicable to Territories only, and not to States when they should be admitted into the Union,” was assumed by him to be its meaning. It was the construction on which he signed the bill. “On this

"latter point," he says, "I had at first some doubt; "but the opinions of others, whose opinions were "entitled to weight with me" (meaning his cabinet), "supported by the sense in which it was "viewed by all who voted on the subject in Con- "gress, as will appear by the Journals, satisfied me "respecting it."

But, what support is given by the Journals? None whatever. The bill for the admission of Missouri having gone from the House to the Senate with a clause against slavery, the Senate struck it out, and inserted the eighth or compromise section; and, a committee of conference being appointed, the compromise was agreed to by both Houses. The bill which had originally been only for the admission of Missouri, became also a bill for the future limitation of slavery in the "territories ceded by "France;" and its title was amended accordingly. Originally, it concerned only Missouri; now, it concerned all the "territory ceded by France to the "United States." The Senate Journal, therefore, of the 2d of March, 1820, page 203, after the entry that the bill passed, contains the entry of the amendment of its title: "It was agreed to amend "the title by adding thereto *and to prohibit slavery* "in certain Territories." So the House Journal of the next day, the 3d of March, page 279, after the

entry of the concurring vote on the Senate amendments, proceeds thus: "The amendment to the "title to add to the words *and to prohibit slavery* "in certain Territories was then also concurred in."

This amendment of title, necessary to accuracy, but not altering the prohibition, is all which the Journals furnish bearing upon the sense in which the compromise "was viewed by all who voted on "the subject in Congress;" and which being, as Mr. Monroe construed it and all the members of his cabinet but Mr. Adams, that the limitation applied to Territories, not States, enabled him to sign the bill. Here is history; for the existence of the rough draft of Mr. Monroe's letter may be taken to be authenticated, and nothing to remain in question but the less material fact whether the letter was actually sent.

Mr. Monroe was so upright a man that Mr. Jefferson somewhere says of him, *If his soul were turned wrong side out, not a spot would be found on it*; but, not choosing to understand Congress unconstitutionally, he thought himself at liberty to give to this bill a construction which, being constitutional, was in contradiction of its meaning. If the title of the act was susceptible of a double construction, the debate in Congress, like the language of the body of the act, was not. The restriction

was upon States, too clearly. The cry was, No more slave States. The compromise was, No more slave States north of  $36^{\circ} 30'$ . Slavery in the States, not in the Territories, was the question; slavery in the Territories was a very inferior consideration. The question debated was the constitutional right of Congress to place a restriction on the State of Missouri. The bill, as it passed the House, placed the restriction on the State of Missouri. Missouri, as a State, was not to tolerate slavery; the House voted again and again, in the course of the debate and proceedings, their prohibition of the toleration of slavery by Missouri as a State of the Union. The bill, as it passed, declared that the "further introduction of slavery or involuntary servitude" was "prohibited;" and that "all children born within the said State after the admission thereof into the Union, shall be free at the age of twenty-five years." Mr. Monroe chose to sign the compromise in a constitutional sense; but it is none the less certain that the whole country, then, and ever since, all the States for fifty years, their Representatives in Congress, and the Judiciary, have read it as stamping with inequality the States coming into the Union after the 6th of March, 1820, north of the line  $36^{\circ} 30'$  north.

The constitution of a country, more especially

if it be a written constitution, must be sacred, or there can be no safety. Its violation is avenged by Providence. Not that special providence which men arrogate to their protection, but that general providence of a wise Creator by which what is bad leads to worse.

## SECTION VII.

## THE CALM PETITION IN THE SENATE.

The slavery agitation did not begin in 1819. If it was meant to begin, the attempt failed. What Mr. Jefferson witnessed was but the gathering of the clouds; the storm did not burst till after his death. Mr. Webster said in the Senate, on the 7th of March, 1850, "These abolition societies "commenced their course of action in 1835." Taking his date as correct, though the South were at that time, full of fear, the agitation had not yet assumed a political form, and the assurance was given them of all Northern members of the Senate, strongly and unanimously expressed, in the session of 1835-6, in a highly-interesting debate, to which, now, we turn, that this agitation, which, then begun, stopped not till it was able to make, and did make, a President of the United States, need not be a subject of alarm, and could never have any countenance, political or other, from the

people of the North. They denounced it as parricidal, ruinous to the slave-holding States, and leading North and South to inevitable disunion. They declared it incredible that such a fearful topic should, anywhere, be taken up for discussion by a political party. According to every Northern Senator's opinion, political agitation against slavery was out of the question; a baseness not even to be imagined. Every word then uttered was true, less predictions and promises. The debate began the 11th of January, 1836. Mr. Buchanan presented to the Senate, and gave rise to it, the "Memorial of the Caln Quarterly Meeting of the religious society of Friends in Pennsylvania, praying Congress to abolish slavery and the slave-trade in the District of Columbia."

The disposal of this petition, for the sake of all-important example, was the subject, at intervals, of anxious and, apparently, candid discussion, from the day it was presented till the 11th of March following, exactly two months;\* and brought to their feet Senators from every part of the Union, and of all diversities of opinion, so far as diversity there was on this subject at that day. Mr. Buchanan moved that the petition be received and

\* Gales and Seaton's Congressional Debates, 1835-6, pp. 99-810, part 1.

rejected, and his motion prevailed by a vote of thirty-four to six. One of the six was Mr. Webster himself; like the majority, he and the five other Senators composing the minority, only looked, in their votes, to the best method of avoiding agitation, in detesting and deplored the idea of which all united; Senators from Ohio, Pennsylvania, New York, Vermont, New Hampshire, Connecticut, and New Jersey taking part in the debate, and expressing sentiments similar to those of Senators from Southern States. But the right of petition was said to be involved, and must be treated gently. Abolition itself was a thing much too inconsiderable to be feared in any form; and that it should force its way into politics was out of the question. This, indeed, was true in 1836 as it was in 1860, if what these gentlemen called *politics* meant the will of the people, and not the aspirations and contrivances of politicians. One of the Northern Senators indignantly exclaimed,\* "It has been said that this question "must and would mingle itself with the politics of "the day. It has been said by a distinguished "Senator that it would be mixed with the ap- "proaching public elections. Sir, I was sorry to

\* Gales and Seaton's Congressional Debates, 1835-6, p. 744, part 1.

"hear that declaration. It was too plainly asserted that those who happened to live north of a given line would be regarded as unworthy of political trust, from the mere fact that they resided in a non-slave-holding country. Such a sentiment illy comports with the magnanimity, the love of justice, which has uniformly characterized the South." The vote was taken in a very full Senate; there were, at that time, twenty-four States, and of the forty-eight Senators, all but eight were present and voted; Mr. Calhoun, though present, refused to vote, his own motion, which was that the petition be not received, having been defeated. By this debate it most distinctly appears that at this time, 1836, the agitation on which party soon after rode into power was regarded as too disgraceful ever to have the countenance of honest men and good citizens. Comparing it with the debates at Washington twenty-five years later, and the declaration of principles of the party which met twenty-five years later at Chicago to nominate a President, it is plain, in the prodigious change of tone produced by agitation merely, what was a crime having grown to be a virtue, that agitation would have done the work of emancipation without the assistance of the war.

## SECTION VIII.

## AGITATION.

The North, in 1836, reasoned as the South did in 1860, that union was impossible if the agitation went on; that to appeal from the constitutional guarantees of this most uncertain of all possessions, to the natural, necessary, inevitable prejudices of every human being, and on such agitation to plant party engines and establish political doctrine, must be fatal. It was not the enactment of new laws that was feared; it was agitation. Abolition of the slave-trade in the District of Columbia was but what one of the Virginia delegation, Mr. Randolph, called for, twenty years before, in the House of Representatives, and had a committee raised to inquire into; and as to slavery in the Territories, it was a grave subject, and Mr. Monroe's cabinet, principally Southern men, ruled it, in 1820, unanimously against the more Southern view. Were agitation organized against the citizen who adhered to the religion of his fathers, it would be vain to assure him he had the protection of the Constitution. Against agitation, he would answer, there can be no protection.

Moral strength and moral weakness are the

most absolute of all strengths and of all weaknesses. Even the strength of war was said by a great commander to be made up of five elements, of which three were moral, and two physical. Of Southern slavery the moral weakness was incurable. It had arrayed against it universal opinion, and of none more than the South themselves. When Mr. Everett declared in debate, in the House of Representatives, that the relation of master and slave in his sentiment was not immoral, the rebuke came from Virginia, and it was severe, that a Northern man was not to be envied such a sentiment as that.

The law of slavery was submitted to the Supreme Court and decided. Agitation arose against the Court, threats to abolish the Court, to abridge its jurisdiction, to alter the tenure of the judges.\*

\* If this case had been decided, instead of in 1856, before the Missouri question prepared the ground for that agitation which, finally, was pressed to war between the States, it would have passed unchallenged. The views taken of the negro race, and their relations to citizens of the States, and the United States, are simply those to be found everywhere in our history, social and political, at any time before the period when party seized upon the subject for purposes of its own. It had been debated with all that zeal common to newspapers and popular assemblies; and when the law and facts, which had been cast to and fro, came to be treated

The decision, like that of any human tribunal, may have been right, or may have been wrong; judicially, and political party saw every point, which they had so noisily insisted on, quietly settled by the law and the book, and settled against them, and against what they chose to consider the rules of humanity and justice, the rage of agitation knew no bounds.

Mr. Taney's first predecessor in the Chief-Justiceship was Mr. Jay ; appointed by Washington ; an admirable man, and of strong religious sentiments. He was President of a society established in New York early in 1785, "for promoting "the manumission of slaves, and protecting such of them as "have been or may be liberated." His opinions on domestic slavery were of the extremest kind. In 1780, during the war, he wrote to a friend (*Life of John Jay*, by his son, William Jay, vol. i. p. 229), "Till America comes into this "measure" (the gradual abolition of slavery) "her prayers "to heaven for liberty will be impious. This is a strong ex- "pression, but it is just." But he thought that the question of the "manumission of slaves" was subject to that of the laws of the country, and even to that of men's eomfort and convenience, as in the days of Christ, and by his commands. "In the year 1798," says his son and biographer (*Life of John Jay*, by his son, William Jay, vol. i. p. 235), "being "called on by the United States marshal for an account of his "taxable property, he accompanied a list of his slaves with the "following observations: 'I purchased slaves and manumit "them at proper ages, and when their faithful services shall "have afforded a reasonable retribution.' As free servants "became more common," pursues his biographer, "he was "gradually relieved from the necessity of purchasing slaves."

but here was the law, the judgment of a court of competent jurisdiction.

## SECTION IX.

## THE PRESIDENCY.

There has been much unprofitable debate whether the South did not aggravate the slavery agitation by their mistaken violence. Calmness under aggression may soothe, or it may provoke; but the first and the great mistake of the South was in the Missouri Compromise, before the final day of agitation came. The vaulting ambition of Mr. Douglas repealed the Missouri Compromise in 1854. It had been always threatening us, but the repeal was instant mischief. When the South gave up such a fast-anchored principle as State equality, to fall back on a dogma so difficult as that on which the Southern delegations broke up the Charleston convention,\* they abandoned a position that was impregnable, to retire in quest of what was nowhere to be found. The Northern Senators of 1836 did not know the weakness of

\* The right to establish the law of slavery in a Territory by carrying a single slave there, which was casuistry, and could come to nothing, though it were constitutional law. In this empty principle, and the elaboration of it, was the weakness of the Dred Scott decision.

their constituents; they did not know democracy was destined to ebb till the people would have but one duty, that of making Presidents. Political justice, shadowy at best, vanished before the question of the Presidency. A topic for agitation going, every fourth year, to the extremest violence, slavery was an anvil on which every candidate hammered out his pretensions. The question of slavery would have remained within the body of the States, each, in peace, resolving it for itself, had not the wave of agitation rolled it over the Union. The enemies of the constitutional guarantees of slavery, regarded as madmen, were the contemptuous and avowed foes of union on any other terms than those of immediate and indiscriminate manumission of the slaves. The politicians stood aloof from them, denied their principles, professed an abhorrence of their purposes, but availed themselves of the political uses of their agitation. Slavery, now a dead lion which every ass may kick, then was a power founded in the Constitution, figuring in the laws, represented in Congress, warranted by the practice of virtuous communities and the lives and virtues of the best and noblest of our statesmen; and abolitionism was a scandal disavowed by all but a few fanatics. But with its help was to be secured Executive patronage.

In vain did the South, steady to its principles, agricultural and unchanged, for the South of 1860 was the South of the day of Washington, sometimes in the language of fury, sometimes of reason and remonstrance, appeal to justice, to humanity, to the compact of the States, to the necessities of their position; slavery was a target never taken down, and on it every blow told. The North, the seat of populous cities, and of much of the wealth and industry of the world, was no longer the North of 1787. The South was the same South, the North was another North; its interests, habits, occupations, all had changed. The plantations, rural life, and patriarchal existence of the South, not a Northern man in a thousand had even seen, or wanted to see, still less had formed any just idea of.

Our astonishment knew no bounds when, in the civil war, the feelings of almost all the world were found to be with the slave-holders;\* but the great

\* It is common to flatter ourselves that this was a merely aristocratic feeling, and hatred of democracy; but it was also general irrepressible disgust at injustice. In the "Personal Life of George Grote," the historian, a republican in principle, and strongly opposed to slavery, the author, who is his widow, says (p. 314), "He once said in conversing with myself, in 1867, about the United States, 'I have outlived my faith in the efficacy of republican government

pulse of mankind beats generously, and against the wronger.

In 1844 the abolitionists first put forward a candidate for the Presidency. He received in the whole country, so hateful were their doctrines, and so fearful of contamination were even the most unscrupulous party managers, only sixty-six thousand three hundred and sixty-four votes. In 1856, twelve years later, these fanatics were joined in their combinations, preparatory to the coming election, and afterwards at the polls, by the greedy leaders of the opposition to the party then governing the country. This alliance took place after a change of leaders, and till then was impossible, but it was the beginning of the final triumph. United, they received one million three hundred and forty-one thousand eight hundred and twelve votes, a large minority of the vote of the Union; the fearful shadow of coming events. At the next election of a President, in 1860, the

“‘ regarded as a check upon the vulgar passions in a nation,  
“‘ and I recognize the fact that supreme power lodged in  
“‘ their hands *may* be exercised quite as mischievously as by  
“‘ a despotic ruler like the first Napoleon. The conduct of  
“‘ the Northern States in the late conflict with the Southern  
“‘ States has led me to this conclusion, though it costs me  
“‘ much to avow it, even to myself.’”

candidate of these combined interests succeeded; making good Mr. Jefferson's prediction that what he called the *noise* would be kept up till the object should be effected of choosing a President by geographical lines; he polled a plurality of the votes. They were sectionally divided, and democracy passed into its darkest eclipse. If it could not maintain the Union, what could it do? It had failed in the simplest of its functions.

## SECTION X.

THE SLAVERY AGITATION NOT DEMOCRATIC MADNESS, BUT DEMOCRATIC WEAKNESS.

Democracy failed through weakness, not passion. Passion is sometimes noble, and it is always respected. Lulled with assurances that no harm was meant, that the Union and the Constitution were dear to all alike, to venal politicians as much as to themselves, the people lent their votes. Against those fierce associates of the politicians to whom they lent them, conspirators who wore no disguise, unhesitating wretches, the people had been warned by every statesman, without one single exception, who ever had their willing confidence. Not only had they been warned; they had accepted the warning, and promised themselves to profit by it. But they slept on the vol-

cano. It was the sleep of childhood or of folly, which keeps no watch. They left everything to the office-seekers till roused from their dreams by the cannon at Fort Sumter.\*

A man may be loaded with crime; a government may be nearly as bad; but a people are never base or false. Nobody ever heard of a people who, knowingly, united in an act of cowardice or cruelty. They are deceived. The atrocities of the French Revolution were not the work of the people, but of a few hundreds of them, who abused the weakness of all the rest; and the people of the United States, when they lent themselves to the anti-slavery agitation, were weaker than the French when they lent themselves to the work of the guillotine. An unenlightened people might, in igno-

\* The same slowness to the sense of danger that was exhibited between 1836 and the year 1860, when the war broke out, was again exhibited between the year 1864, when the war ended, and 1876. We would not meddle unnecessarily with party matters, but may be allowed to observe on the fact, one where parties agreed, that the abuses which followed the war were altogether monstrous; yet till the autumn elections of 1874 the people, though perfectly sensible to them, wholly omitted to take measures for their cure. It was not blindness of the people; it was only that democracy when it does not do its duty, and leaves it to others to do, is trifled with.

rance or stupidity, transfer power to a single hand ; but, as an act of weakness, it would not be more preposterous than that of the educated and intelligent citizens of the United States when they put themselves in the power of the abolitionists.

The situation in 1860 was democracy painted by its enemies ; the people practised on, and their peace destroyed. When their eyes opened, they called for settlement with the South. This was the call ; and it was well-nigh unanimous. But lo ! without the change of one vote in either house of Congress ! When an English minister arrays his force in Parliament against the country, his votes begin to leave him ; but not one Senator, not one Representative in the whole American Congress heeded the loud cry of the American people.

## SECTION XI.

## THE PEOPLE.

When we look back to acknowledge it was, in the race for Executive patronage and on pretences disavowed, when the danger arose, by all but those who never flinched, that small men and small ambitions brought a people so flourishing and happy as we were to seeming ruin ; the Union going to pieces, and not a man left whose head was

high enough above the crowd to command attention and a hearing, democracy must be admitted to appear in its meanest light. There were neither leaders nor citizens. No leaders, because there were no citizens; no citizens, because citizenship had left the care of the country to party in its worst form. The people had no influence; the rabble of office-seekers played a game for their places, with no regard to the people; staking party success for, the people knew not what, and, as eventually proved, for the establishment of principles which had been by the people detested in the past, and, now, were condemned by them in their loudest tones.

The law of self-preservation may be badly administered, but it regulates every society. The South saw in the slavery agitation their peace ruined, their property gone, their personal safety imperilled, their approaching total destruction; and they sought relief in revolution.\* The North saw

\* The discourse, already quoted, of Mr. John Quincy Adams, before the Historical Society of New York, delivered in 1839, and which may be said to be *ultra* in some of the views there expressed in derogation of State rights, when the speaker comes to the question, that of revolution, which arose with the slave States twenty years later, holds this language: "In the calm hours of self-possession, the right "of a *State* to nullify an act of Congress is too absurd for

in Southern secession the wreck of the country. But so paltry had become the populous North,

"argument, and too odious for discussion. The right of a  
"State to secede from the Union, is equally disowned by  
"the principles of the Declaration of Independence. Nations  
"acknowledge no judge between them upon earth, and their  
"Governments, from necessity, must in their intercourse with  
"each other decide when the failure of one party to a con-  
"tract to perform its obligations, absolves the other from the  
"reciprocal fulfilment of his own. But this last of earthly  
"powers is not necessary to the freedom or independence  
"of States, connected together by the immediate action of the  
"people, of whom they consist. To the people alone is there  
"reserved, as well the dissolving, as the constituent power,  
"and that power can be exercised by them only under the  
"tie of conscience, biuding them to the retributive justice  
"of Heaven.

"With these qualifications, we may admit the same right  
"as vested in the *people* of every State in the Union, with  
"reference to the General Government, which was exercised  
"by the people of the United Colonies, with reference to the  
"supreme head of the British empire, of which they formed  
"a part—and under these limitations have the people of each  
"State in the Union a right to secede from the confederated  
"Union itself.

"Thus stands the RIGHT (*sic*). But the indissoluble  
"link of union between the people of the several States of  
"this confederated nation is, after all, not in the *right*, but  
"in the *heart*. If the day should ever come, (may Heaven  
"avert it,) when the affections of the people of these States  
"shall be alienated from each other; when the fraternal

that no Northern party, and not one Northern leader of party, demanded armed resistance of the  
“spirit shall give way to cold indifference, or collisions of  
“interest shall fester into hatred, the bands of political asso-  
“ciation will not long hold together parties no longer attracted  
“by the magnetism of conciliated interests and kindly sym-  
“pathies; and far better will it be for the people of the dis-  
“united States to part in friendship from each other, than to  
“be held together by constraint. Then will be the time for  
“reverting to the precedents which occurred at the formation  
“and adoption of the Constitution, to form again a more per-  
“fect union, by dissolving that which could no longer bind,  
“and to leave the separated parts to be reunited by the law  
“of political gravitation to the centre.”

The day *did* come; Heaven did *not* avert it; fraternal spirit *did* give way, and with good reason; for no men who had either feelings or interests would have borne longer with peril and provocation than the slave-holding States. But when Mr. Adams says, “far better will it be for the disunited States to part in friendship from each other,” in order to establish his conclusion, he ought to have shown where the friendship was to come from when once there was disunion. When the Union is dissolved, all is over, and war is at hand. There can be no other practical view of the case of disunion. The affair of Fort Sumter did nothing but put the South in the wrong, and precipitate what was inevitable, at last. If Mr. Buchanan had used his armed force by land and sea, as Jackson did in 1832, to *prevent* war, though the case was more difficult, probably, there would have been none in 1861, more than in 1832; and if it had come, being a war *in the Union*, both sides fighting for the same flag, it would have

Southern movement. Had it not been accompanied by insult the most gross, as well as injury the deepest, war, inevitable at last, would have been postponed. The cry in the North was that the enemy was not in the South, but in their midst; and had not the attack upon Fort Sumter given another direction to popular fury, it would have vented itself on the authors of the agitation. Had democracy come, and with no better reason than a scramble for office, to this contemptible condition of helpless disorder which the aristocratic world had longed to see, and, longing for, predicted?

If Mr. Crittenden had possessed an influence commensurate with his ability and the purity and earnestness of the effort he made, at the close of his long senatorial life, he might have been spared the tears of grief and indignation he is said to have shed when his resolutions were voted down.

been a quarrel among the States, open to settlement, and not of foreign countries, government against government, as it became from 1861 to 1864. No citizen can love a government which he despises; and the government of the United States became despicable under the doctrine of the unconstitutionality of what was called *coercion*. Would not there have been *coercion* in 1814? Were not, backed by South and North, the government of the United States in actual readiness to *prevent* the secession of the States which met at Hartford in that year?

How enduring their effects, if the people were still to be nothing, and their power to remain in the keeping of the few, might be a question; but it was not a question for the members of Congress. They could have put forth their hands and stayed the mischief. It is not the place of statesmen to stand by and let their country perish; they must prevent ruin to-day, and take to-morrow as it comes, and its uncertainties with it. If uncertainty were not a point of departure, why did Northern statesmen leave their country to that miserable lottery in which they drew war? why did Southern statesmen tempt their fellow-citizens to such a game as war, against all the probabilities of Northern strength, wealth, and population?

## SECTION XII. \*

## THE OUTGOING EXECUTIVE.

As, when the life of a monarch is ebbing, his authority wanes, and, before his eyes are closed, the reign of his successor begins, so in the United States, when the administration is beaten at the polls in November, and the President to lay down his office at a fast-approaching hour, a portion of his power becomes illusion; it passes to the President elect. The party that governs loses the power;

the party that gets it does not govern. When Mr. Adams was superseded by Mr. Jefferson in 1800, this unavoidable defect of our institutions appeared; and again in 1824, when Jackson superseded the younger Adams. But more disastrously did it produce itself in 1861, when Mr. Lincoln was coming in. Neither the outgoing nor the incoming President was a man for the emergency; neither of them a self-reliant spirit: one, a statesman who filled with honour so many places, to fail in the highest; the other, of the order of men who fill places in their native village. His elevation to the Presidency seemed to justify the very worst fears entertained for democracy in 1787. Mr. Buchanan, loaded with responsibility for the faults of every administration since 1824, a scapegoat who bore into the wilderness the sins, not of the past year but of thirty years, in his message at the opening of the session, said he left all to Congress. He declared himself powerless to save the country, or even to diminish its dangers. The impartial posterity to whose judgment, in the shades of his retirement, he appealed from the too clamorous injustice of his contemporaries will never absolve him from a fault not the least of political faults, that of want of energy and decision.

From a President whose power was just expiring,

who had been constantly, during his whole term, leaning *to* the South and *from* the North, when he ought to have been rallying the North and controlling the South; who stood in dismay, when the accumulating demands on his courage ought to have carried it to its highest point, little was looked for. His opponents were counting the minutes of his political life; those who were to exercise the power of the new administration were impatient to assume the reins of it; and such was the eagerness for place, they not only seemed to be unaware of the greatness of the peril, but actually they were indifferent to it. War they did not believe was near, still less did they know what it was; and the aroused passions of thirty millions of people were unthought of. Thirst for office had extinguished the love of country, and, with it, of sound reason. The talk was of the right and wrong of secession, and of the right and wrong of coercion; as if secession was not revolution, and coercion war.

Secession of the single State of South Carolina would have been war, and foreign war as well as domestic, for they must have sought foreign protection. When our minister at Paris, conferring with the Minister of Foreign Affairs, told him that the government of the United States was one

of public opinion, and knew no law of force against a State, and there would be no war, French diplomacy must have smiled. There would be no declaration of war; but the most inveterate war is that which is waged without any declaration of it.

## SECTION XIII.

MR. SEWARD.

The troubles of 1814 and 1833 were casual and local; they were the effervescent passions of a disturbed industry. In 1814 the country was already in arms against a foreign enemy, and the government stood prepared for the movement of New England; and in 1833 the movement of South Carolina had to deal with a government at the head of which was Jackson. In 1860 the whole body of democracy was sick.

The elevation to power at such a time of a man so unknown as Mr. Lincoln was one of the evidences that public interests were not in the hands of the people. It was not the first time the Presidency had been given to a man the people never heard of.

The new President, in his Inaugural Address, brought forward his remedy; it was to submit, not altogether, but partially, to secession! If, not Mr.

Lincoln had been the choice of the convention which met at Chicago, but Mr. Seward, as he so nearly was, he would have submitted altogether; but this Mr. Lincoln was too weak to do. He would have yielded every point necessary to enable him to carry on a government. A man of expediencies, to insure his enjoyment of power he would have surrendered at discretion, as he surrendered to England when he gave up the passengers by the Trent; as he wanted to surrender to South Carolina when they called for Fort Sumter. Agitation had done its work, and, Union or no Union, the question, now, was to administer a government. Mr. Seward thought nothing had happened that ought to make that impossible; and even designated a time, three months distant, for the return of quiet. What was done could be undone, what was said could be unsaid. He said, at Rochester, in 1858,\* "Shall I tell you what "this collision means? . . . It is an irrepressible "conflict between opposing and enduring forces." He said at Washington, in January, 1861,† "The

\* Rochester speech, as quoted in Greeley's "American Conflict," vol. i. p. 301.

† Speech in the Senate, January 12, 1861. (See Congressional Globe, 1860-61, p. 341.) This speech, which so packed the Senate-chamber, floors, galleries, corridors, and every

“different forms of labour, if slavery were not perverted to purposes of political ambition, need accessible spot, that they had to be cleared of all but privileged persons strictly within the standing order, before Mr. Seward could go on, and was instantly telegraphed to every corner of the country, was read with a more universal curiosity and intense interest than any speech ever delivered in the United States, or, probably, in any state or country; for it was to let men into the secret of their destiny, at an hour when, to the common mind, it was inscrutable. Alas, it was nothing but a eulogy of the Union! an admission, in one already quoted short sentence, of the falsehood of the agitation which had brought the Union to dissolution. Mr. Seward, a man of ability, if not a statesman, a shrewd politician, was as much the leader of his party as ever Mr. Clay was; he may be said to have founded, as Hamilton did the federal, and Jefferson the democratic party, the party of political abolitionism, that is, of anti-slavery agitation to political ends. It had just elected a President, not himself a man of experience and capacity, the situation was too gross for that, but Mr. Lincoln, and Mr. Lincoln had chosen Mr. Seward to pilot his administration. Before he left his seat in the Senate, he was to dispel the fears and doubts that hung so thickly over us. It was expected to learn from Mr. Seward, who had pronounced alarm to be unnecessary, that in sixty or ninety days the country would be relieved of its anxieties. But the wizard who raised the storm could only call for patience, and pronounce the praise of that patriotic and perfect calmness which goes with a supreme love of country, and he said he meant to adhere to, happen what might! This would have been glorious, indeed, had he

"not constitute an element of strife in the Confederacy."

represented the injured party; but, standing where he did, was cunning or folly, and never was public disappointment more complete. In his Rochester speech, less than two years before, he said, "Either the cotton- and rice-fields of "South Carolina, and the sugar plantations of Louisiana, "will ultimately be tilled by free labour, and Charleston and "New Orleans become marts for legitimate merchandise "alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their "farmers to slave culture and to the production of slaves, and "Boston and New York become once more markets for trade "in the bodies and souls of men." This most preposterous falsehood came from no vulgar orator, who might say anything to get a cheer, but a great leader, whose words were measured. "These antagonistic systems," he continued, meaning slave and free labour, "are continually coming into "closer contact, and collision results. Shall I tell you what "this collision means? They who think that it is accidental, "unnecessary, the work of interested or fanatical agitators, "and therefore ephemeral, mistake the case altogether. *It* "is an irrepressible conflict between opposing and enduring "forces. . . . It is the failure to apprehend this great truth "that induces so many unsuccessful attempts at final com- "promise between the slave and free States; and it is the "existence of this great fact that renders all such pretended "compromises, when made, vain and ephemeral." What, when they came to power, would the party do, whose chief held such language? They had power now; how would they use it? What would keep them in place, and elect their

## SECTION XIV.

## CONGRESS.

The annals of a free State are to be read in the proceedings of its Legislative Assemblies. Cabinets deceive, but Legislative debate cannot deceive, though carried on by the falsest of men. In the lower house of Congress the crisis was met with vain clamour and the vile oratory of party. Healing measures were neither seriously debated nor fairly voted on; the extreme disorder that prevailed, and an obvious recklessness, admonished the country of its approaching end. In the Senate, the leading men of the South gave just as much aid to the Union as was necessary to their standing with their constituents at home. Of the Northern Senators, every man who adhered to the incoming administration voted against any measures which might imperil party ascendancy.

President at the expiration of four years? Plainly, the same agitation, not the "work of interested or fanatical agitators," "and therefore ephemeral," but an "irrepressible conflict." The minister of a monarch may blow hot and cold, but can the minister of the people? Are they fools? If there was no reason why the different forms of labour should constitute an element of strife in the Confederacy, then the Rochester speech party meant to drive the Southern States from the Union on false pretences.

The new party was ruled by those fierce spirits, haters of the Union, who had driven it to the precipice over which it was now their desire to see it go; and their allies, the office-seekers, could see, at the bottom of the pit, no safety for themselves so sure as in separation from the Southern States. Every scheme of settlement failed. That of Mr. Crittenden, which was sustained by a more earnest and eager demand by the population of the United States than any public measure ever had from the American people, may be said to have arrested the attention of Congress. It was promptly rejected in the House by a vote of eighty ayes to one hundred and thirteen nays.\* Its main feature was the Missouri Compromise line extended to the Pacific. In the Senate, where it had a hearing, every Senator, with not a single exception, of the party which had elevated to power the incoming President, put his negative on the Crittenden settlement. It was four times voted on.

1. The resolutions were, on the 15th of January, refused a preference over the Pacific Railroad bill! The vote was twenty-one to twenty-seven.†

\* Congressional Globe, February 27, 1861, p. 1261.

† YEAS.—Messrs. Benjamin, Bigler, Bragg, Bright, Clingman, Crittenden, Fitch, Green, Hemphill, Johnson of Tennessee, Kennedy, Lane, Mason, Nicholson, Pearce, Polk,

2. The next day, the 16th of January, Mr. Clark, of New Hampshire, moved an amendment to Mr. Crittenden's resolutions, declaring settlement unnecessary. The vote on Mr. Clark's amendment was—yeas twenty-five, nays twenty-three.\*

3. Mr. Cameron, who for a moment seemed to relent, on the 18th of January moved a reconsideration of the vote on Mr. Clark's amendment, when every Republican Senator voted against the reconsideration. Mr. Cameron said, “My motion was made to accommodate the Senator from Kentucky; but I shall vote with my friends on this

Powell, Pugh, Rice, Saulsbury, and Slidell.—21. NAYS.—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Gwin, Hale, Harlan, King, Latham, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson.—27. (Congressional Globe, 1860–61, p. 381.)

\* YEAS.—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson.—25. NAYS.—Messrs. Bayard, Bigler, Bragg, Bright, Clingman, Crittenden, Fitch, Green, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, and Sebastian.—23. (Congressional Globe, 1860–61, p. 409.)

“side.” The vote was—yeas twenty-seven, nays twenty-four.\*

4. The 4th of March, Mr. Crittenden’s resolutions, coming up for final consideration, failed, on a direct vote; every Republican Senator voting against them. Yeas nineteen, nays twenty.†

The Senators from the States which immediately after seceded agreed to accept the settlement, if also accepted by the party of the incoming President, thus giving to the measure some hold on the country. Mr. Douglas said, addressing the Senate,

\* YEAS.—Messrs. Bayard, Bigler, Bragg, Bright, Clingman, Crittenden, Douglas, Fitch, Green, Gwin, Hemphill, Hunter, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, Sebastian, and Slidell.—27. NAYS.—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Wade, Wigfall, Wilkinson, and Wilson.—24. (Congressional Globe, 1860–61, p. 443.)

† YEAS.—Messrs. Bayard, Bigler, Bright, Crittenden, Douglas, Gwin, Hunter, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Polk, Pugh, Rice, Sebastian, Thompson, and Wigfall.—19. NAYS.—Messrs. Anthony, Bingham, Chandler, Clark, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Harlan, King, Morrill, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson.—20. (Congressional Globe, 1860–61, p. 1405.)

on the 3d of January, "If you of the Republican  
" side are not willing to accept this, nor the propo-  
" sition of the Senator from Kentucky (Mr. Critten-  
" den), pray tell us what you are willing to do. I  
" address the inquiry to the Republicans alone, for  
" the reason that in the committee of thirteen, a  
" few days ago, every member from the South, in-  
" cluding those from the cotton States (Messrs.  
" Toombs and Davis), expressed their readiness to  
" accept the proposition of my venerable friend  
" from Kentucky (Mr. Crittenden) as a final set-  
" tlement of the controversy, if tendered and sus-  
" tained by the Republican members. Hence the  
" sole responsibility of our disagreement, and the  
" only difficulty in the way of an amicable adjust-  
" ment, is with the Republican party."\*

Mr. Pugh said to them two months later, the 2d of March, "The Crittenden proposition has been  
" endorsed by the almost unanimous vote of the  
" Legislature of Kentucky. It has been endorsed  
" by the Legislature of the noble old Common-  
" wealth of Virginia. It has been petitioned for  
" by a larger number of electors of the United  
" States than any proposition that was ever before  
" Congress. I believe in my heart, to-day, that it  
" would carry an overwhelming majority of the

\* Congressional Globe, 1860-61, Appendix, page 41.

“people of my State; aye, sir, and of nearly every  
“other State in the Union. Before the Senators  
“of the State of Mississippi left this chamber, I  
“heard one of them, who now assumes, at least, to  
“be President of the Southern Confederacy, pro-  
“pose to accept it and to maintain the Union if  
“that proposition could receive the vote it ought  
“to receive from the other side of this chamber.”\*

Governor Bigler, who took an active part in the effort in the Senate,† some time after leaving his seat, in a letter addressed to a number of his immediate fellow-citizens, who had written to him for information touching the position taken by the Senators from the seceding States, said, in his letter published in the newspapers of the 28th of April, 1863, “It is not true that some Republican  
“members of the Senate supported the Crittenden  
“Compromise, and some opposed it. They opposed  
“it throughout, and without an exception. Their  
“efforts to defeat it were in the usual shape of

\* Congressional Globe, 1860-61, page 1390.

† Mr. Crittenden said of him, in his final speech on his resolutions, that of the 2d of March, “I shall never forget  
“the zeal and the industry with which my honourable and  
“my honoured friend from Pennsylvania has acted in this  
“great matter. With a zeal untiring, and a hope inexhaust-  
“ible, he has toiled on from day to day, with a labour that  
“no other one, scarcely, could have borne.”

"postponements and amendments, and it was not  
"until within a few hours of the close of the ses-  
"sion, that a direct vote was had on the propo-  
"sition itself."

## SECTION XV.

## NORTHERN AND SOUTHERN DEMOCRACY.

The South looked upon Northern democracy as the members of the convention of '87 looked upon all democracy, with fear; and surely no disciple of Mr. Jefferson could have witnessed, without profound apprehension, the withdrawal from whatever cause, of such numbers of the substantial classes of the North from all care of the public interests. The South had been told, by an unanimous Senate, when the Calm Petition was presented, in 1836, that the whole North abhorred the doctrines of the abolitionists; but what avail the abhorrences of those who vote for what they abhor?

With fears of Northern democracy went a disposition to disparage it. Since the death of Mr. Hamilton, the North had not produced one acknowledged leader; they all came from slaveholding States. Webster was a great mind, but not a leader; Douglas, who would have been a leader, died before his time.

Southern democracy was said to turn on slavery; but that was the Constitution of the United States. In the North, it turned too often on the contrivances of politicians, cries against slavery, cries against secret societies, cries for secret societies, cries against foreign votes, cries against religious sects.

The Southern stand was real; it represented a great interest; that of the North represented the machinations of office-seekers. But when, to get place, they joined their fortunes to fanatics, men cherishing a hate, stirred by a passion, they fell under an influence more potent than their own, and stronger than the thirst of office; and they became controlled by those they meant only to use. Mischiefs came thicker and faster than they wanted, but it was too late to stop; and political morals were gone. The country had been long in the hands of middle-men, an influence that is always ruinous. The citizen could not rise by serving government or people; he had to serve a middle interest, rulers of conventions, which had mastered them both and cared for neither. Mr. Lincoln cared for the country, for he was its chief magistrate; but the members of the Chicago convention did not, and to them he had to answer. Franklin's sagacity saw that patronage was to

make Executive power a danger to the State; but not that it was to give us a combination of the seekers of patronage, who, choosing the Executive, would make responsibility to themselves, instead of to the people, a condition of their choice; still less that a feeling, which can be compared only to religious fury, was to enter into the question, and predominate over even the appetite for place.

## SECTION XVI.

## PREPARATIONS FOR DISUNION.

The slave-holding States looked not to Congress for a cessation of the clamour which imperilled the lives, destroyed the property, and exhausted the patience of their part of the country. Congress had no such power. They asked what Congress could give when they asked equal rights in the acquired territory; and this as an empty acknowledgment, for there was no acquired territory, or almost none, which slave labour could cultivate; but to give this would seem to be a truce.\* The

\* The Senators who voted against the Crittenden Compromise said very little in opposition to it. It had not the benefit of debate. But Mr. Horace Greeley, in his work, "The American Conflict," vol. i. pp. 378-381, debates it, as they would not in the Senate, and candidly avows as a main objection to it that agitation was to be given up. This, the true

attitude of the South was despair; it may have been exaggerated by passion, but it was unaffected objection, Mr. Greeley thus states: "IV. As a part of this compact, the North was to silence her lecturers, muzzle her press, chloroform her pulpits, and bully her people into a silence respecting slavery, which should be broken only by the utterances of vindication and panegyries. Already the great publishing houses of our Northern cities had been very generally induced to mutilate the works they from time to time issued by expunging from them every passage or sentiment obnoxious to the fastidious, exacting taste of the slave-holders. Some of our authors—Mr. James K. Paulding conspicuous among them—had revised their own works, and issued new editions wherein their old-time utterances adverse to slavery had been supplanted by fulsome adulations of the system, or vehement abuse of its opponents. Our missionary, tract, and other religious organizations had very generally been induced to expurgate their publications and their efforts of all anti-slavery ideas. Our great popular churches had either bent to the storm or been broken by it. And now the work was to be completed by a new and comprehensive 'adjustment,' taking the place and, in part, the name of that 'compromise' which the slave power had first forced upon the North and then coolly repudiated; an adjustment which was to bind the free States over to perpetual complicity in slaveholding, and perpetual stifling of all exposure of, or remonstrance against, the existence, the domination, and the diffusion of slavery. These strictures are neither impelled or colored by any unkindly feeling towards Mr. Crittenden, whose patriotism and fairness they are not designed to impeach. He doubtless con-

and real. They would accept concessions, but they professed no confidence in them; they would take them for what they might be worth; they would accept Mr. Crittenden's proposal; they might accept that of the Peace Conference; they would take either, provisionally only.

What was the attitude of the North? When Congress met in December, the Senate was in a large majority against the incoming administration, and in the House of Representatives parties were balanced; but before the 4th of March, by the

"sidered carefully and well what the South could be induced  
"to accept; and he undoubtedly believed this to be embodied  
"and presented in his plan of compromise. A slave-holder  
"himself; born, educated, and living amid the institution;  
"he could not or did not realize that his conditions would  
"seem inadmissible to any but the narrowest and most mis-  
"erable fanatics. Assuming his premises, regarding the mat-  
"ter exclusively from the standpoint, and putting conscience  
"and consistency entirely out of the question, his proposal  
"was fair enough; and its cordial adoption would doubtless  
"have exhilarated the stock market, and caused general  
"rejoicing on exchanges, and around the dinner-tables of  
"merchant princes. Its advocates with good reason claimed  
"a large majority of the people in its favor, and clamored  
"for its submission to a direct popular vote. Had such a  
"submission been accorded, it is very likely that the greater  
"number of those who voted at all would have voted to  
"ratify it."

withdrawal of the Senators and Representatives of seceding States, the party of the new administration became a great majority in the lower House, and in the Senate legislation was at their control. What, then, settlement with the South having been voted, by those who now controlled Congress, inexpedient, were the measures directed against the approaching Southern movement? The people of the North had said, Anticipate it by a settlement; but where is the evidence that their leaders were not for separation, until the uprising of the people after the insult at Fort Sumter took away from them all option?

The cry had been of the North, the vain cry of the unnoticed people, for years, that the South would be driven to revolution; it had come; it had happened in one State, and was imminent in all. Before Congress adjourned, it had happened in seven, and was an appeal to arms. Did Congress take their measures as if it were right or were wrong? Did they confess, or did they deny? What did they do? They took on themselves, not to justify revolution, for its justification must depend on results; but, to submit to it. They did not proclaim disunion, but they opened the way for it. The proofs are on their journals.

A bill had been introduced\* into the House of Representatives for enforcing the Collection Laws by receiving customs-duties on ship-board, under naval and military protection, in those sea-ports where, by reason of acts of secession, they could not otherwise be collected; this bill was suffered to drop. Another bill,† of a more comprehensive kind than that intended for the control of the Southern trade, was introduced into the House from the Committee on Military Affairs, to authorize the raising of a military force to uphold generally the laws in the seceded States. It was also suffered to drop; and Mr. Douglas, in his place, on the 15th of March, during the session of the Senate after the adjournment of Congress, intimated, in debate, uncontradicted, that this was by the special request of the incoming government. Another movement was made, of the most unmistakable significance; the mail service in the seceded States was discontinued by act of Congress. Mr. Lincoln, in his address of the 4th of March, after signifying, in general terms, that, leaving it to its own way, he would not combat the secession

\* Congressional Globe. Second session, Thirty-sixth Congress, 1860-61; part 2, pp. 1422, 1433.

† Congressional Globe. Second session, Thirty-sixth Congress, 1860-61; part 2, p. 1001.

movement,\* declared, specifically, of the mail service, that it would not be continued if, as he expressed it, "repelled." On the 28th of February,† Congress passed the act authorizing the Postmaster-General to discontinue the mail service of the United States in the country of secession.

So degraded had become the uses of democracy in the scramble for office, that the office-seekers were not ashamed to measure their conduct, when the life of the country was at stake, to what they

\* "When hostility to the United States shall be so great "and so universal as to prevent competent resident citizens "from holding the federal offices, there will be no attempt to "force obnoxious strangers among the people for that object. "While the strict legal right may exist of the government to "enforce the exercise of these offices, the attempt to do so "would be so irritating, and so nearly impracticable withal, "that I deem it better to forego for the time the use of such "offices."

† Act signed by the President the 28th of February, 1861, Congressional Globe, p. 328, Appendix. Second session, Thirty-sixth Congress, 1860-61. It passed the House, yeas 131, nays 28, the 6th of February. In the Senate the yeas and nays on the passage of the bill have not been found; but on the 20th of February there appears a motion to lay it on the table, which was defeated,—yeas 14, nays 23. The next day, the 21st of February, the vote to take up the bill was, yeas 23, nays 15.

deemed the smallest hazard to their places;\* and Congress adjourned the 4th of March, accepting the Southern alternative of a peaceful separation.

\* "For several weeks after the inauguration, no stated cabinet meetings were held." (Mr. Ex-Secretary of the Navy Welles, in his paper "Mr. Lincoln and Mr. Seward," in the "Galaxy" for November, 1873, p. 688.) To understand better Mr. Welles, see a speech of Mr. Nesmith in the Senate, delivered the 23d of March, on a motion to remove officers and appoint new ones (Congressional Globe, p. 1496): "I know that the administration is very much embarrassed. "I know that there is a throng here of countless spoilsmen who desire place. I meet them everywhere. I have had within the last two days some business to transact at the departments, and I have found every avenue to the office of every secretary and every head of a bureau of this government crowded with hungry office-seekers,—old men and young men; long, gaunt, lean young men; old, limping, bald-headed gentlemen,—choking up the avenues to the various secretaries of this government, when I had business relative to the interests of my constituents, and could not get an opportunity to have an interview with them.

"This state of facts exists, too, sir, at a time when the administration and the government should have something else to think about. It is said that Nero fiddled while Rome was burning; and here are forty thousand office-seekers fiddling around the administration for loaves and fishes while the government is being destroyed.

\* \* \* \* \*

"If I were in the place of Mr. Lincoln, considering the present exigencies of the country, considering that the

In the session of the Senate, after the adjournment of Congress, between the 4th and 28th of March, Mr. Douglas took up this subject, and,

"Union is dissolving and disintegrating beneath our feet, I "would turn the federal bayonets against the office-seekers. " . . . I would settle those questions which are pressing on "the administration, and which its advocates on this floor "declare it has not had time to consider. I would determine, first, whether we have a government or not. I "would settle upon some sort of policy, that the American "people might know what was in the future,—what the "administration was determined to do; whether we are to "have peace or war; whether this state of suspense is to "continue. I say, I would put these gentlemen off until that "was determined; and I think it becomes this body, as a "conservative body, not being identified with those general "questions of politics which have agitated the country, to "take that view of the case.

"I apprehend that those gentlemen who are urgent for "places here are gentlemen who are disappointed. I have "met them in throngs. [Laughter.] To show how promising "these sorts of crowds are, I will mention that the "other morning I went up to one of the departments, being "anxious to transact some business there which relates to a "matter involving over two millions of dollars to my constituents; and I was found there by some gentleman from "Illinois who supposed I was an office-seeker; he mistook "me for some friend of his, I apprehend, who wanted a post-office in the interior of Illinois; and, as I was standing in "the crowd, waiting for an audience, he tapped me on the

addressing himself to it, said he was decidedly against war; and that he so construed the Inaugural Address. He reminded them that they had, with complete power in both Houses, allowed Congress to adjourn, and, apparently on consultation with Mr. Lincoln, nothing done to prepare for forcible measures. They had acted, as he thought, well; but the anxieties of the country ought to be relieved. To relieve, he said, those anxieties, he moved a resolution of inquiry,\* which was laid on the table by a party vote of twenty-three to eleven; a studied and concerted silence being maintained by the friends of the administration, with the exceptions of Mr. Trumbull and Mr. Wade, who expressed, indistinctly, their views, and Mr. Hale,† who expressed himself distinctly in favour of separation.‡

"shoulder, and said, 'I have fixed that little matter; you will  
"get that post-office.' [Laughter.]

\* \* \* \* \*

"I say, this system should not extend to the Senate, and  
"I protest against the consideration of the question at this  
"time."

\* Congressional Globe, 1860-61. Second session, Thirty-sixth Congress, part 2, p. 1511.

† Congressional Globe, 1860-61. Second session, Thirty-sixth Congress, part 2, p. 1470.

‡ "I do not know," said Mr. Seward, in his speech to the Senate, already cited, of the 12th of January, 1861, "what

Governments do not say, we will part with a third of our territory and population; they let it happen. When the mistakes of politicians have made an alternative of miseries, they do not say to a deceived and ruined people which misery they adopt. They drift with the flood. Such, in their miseries, was the way with the government and their friends in Congress; they would neither oppose secession nor consent to it. They came into power promising sunshine, and, when the storm arose, they had neither the hearts and confidence of the people, nor the courage necessary to meet the emergency. To part with the South, was a responsibility they could not take on themselves; but it was the end they looked to, for it was the solution of the problem.

With proceedings in Congress exactly tallied those of the Executive. Witness the negotiations of the State Department with the commissioners and authorities of the seceded States, and the conduct of the War and Navy Departments, in suffering officers to go home to serve their States, resigning their commissions and discharging themselves of all duty to the government.

The case of General Johnston, the Quartermaster—“the Union would be worth, if saved by the use of the ‘sword.’”

General of the army, is described in his work lately published.\* His parting with his commission illustrates all the cases; and they were very numerous in both branches of the service. "Having been "educated in such opinions, I naturally deter- "mined to return to the State of which I was a "native, join the people among whom I was born, "and live with my kindred, and, if necessary, "fight in their defence. Accordingly, the resigna- "tion of my commission, written on Saturday, was "offered to the Secretary of War Monday morning. "That gentleman was requested, at the same time, "to instruct the Adjutant-General, who had kindly "accompanied me, to write the order announcing "its acceptance, immediately. . . . Many officers "of that army, of Southern birth, had previously "resigned their commissions, to return to the States "of which they were citizens, and many others did "so later. Their objects in quitting the United "States army, and their intentions to enter the "service of the seceded States, were well known "in the War Department. Yet no evidence of "disapproval of these intentions was given by "the federal administration, nor efforts made by "it to prevent their execution."

\* "Narrative of Military Operations during the Late War "between the States," pp. 10, 11.

This expectation of the chiefs of the new party of a final separation, leaving South and North each to enjoy its own power, continued long after the war had begun. It continued until the tide of success changed from South to North. It was briefly, but clearly, expressed by Mr. Cameron in 1863, when the war was far into its second year. Mr. Boyer, a member of the House of Representatives of Pennsylvania, testified before a committee of that body thus: "General Cameron then said, "This ends it. I will be Senator, and there is no "doubt the Southern States will gain their inde- "pendence, and I will have more power than any "other man in the State."\*"

## SECTION XVII.

## THE CIVIL WAR.

The seekers of patronage had done their work; and the country was to be divided, or worse; for, had a division been effected between the North and the South, endless divisions and endless wars would have ensued, making necessary new combinations; and those wars would have lasted, and

\* Testimony of Thomas Jefferson Boyer, p. 11. Report of Select Committee of the House of Representatives of Pennsylvania under a Resolution of the 20th of January, 1863.

those combinations not have been completed, till democracy was trampled to the ground, and, perhaps, liberty was extinct. Once at war, a people are in the hands of their government, though it be of the meanest materials. The people of the North gave soldiers, and money more than could be used; but the direction given to the war was the government's direction, not the people's. In the South it was no better. When the tide turned against them, they wanted the Union again; but their government prevented it, having, like the Northern government, motives of their own, distinct from the people's.\*

\* IN THE UNION, the Northern States, by immense majorities, would have voted for justice, though the South stood to their arms to demand it, so deep and perfect was the conviction of the injustice of that terrible agitation with which they incessantly were goaded, and which not even slaves could bear forever. What they called their *independence* was common ruin, North and South, and the demand for it was backed, at Fort Sumter, with as gross and deliberate an insult as ever was offered. Had the South afterwards, instead of pressing the war to the exhaustion of the means of carrying it on, and then opening negotiations with men who would have been, politically, wrecked by a peaceful adjustment, publicly offered to the PEOPLE of the North to return to the Union, it would have told instantly at every election poll, and swept the country of all vestige of opposition to an equal and honourable peace. It would have given us the Union,

The leaders had looked to separation; but not so the people; they had to be reconciled to it. The people of the North, astonished at the course of events, stood still; the people of the South paused before such a step as revolution, being full of the uneasiness natural to a society on the eve of great events, but especially a society like that of the South, wholly incomplete in its organization, for they were almost exclusively an agricultural people. They had to be reconciled to separation by war.

The quarrels of nations turn often, like those of individuals, on affronts. Our ancestors submitted when the mother-country interdicted their infant manufactures,\* and their commerce; but they demand not the troubled country we live in. But the people, for thirty years, had been nothing; it was that brought the war on; and during the war, though it could not have gone through a campaign had they taken their shoulders from the wheel, they were not more considered than they are in any country where arms silence the law.

\* Lord Chatham, rated by the Colonies their best friend, and certainly he said some magnificent things in their behalf, declared in one of his speeches that he would not let the Americans manufacture as much as a *hob-nail*. They were prohibited every species of manufacturing industry carried on in England; their trade was under the strictest monopoly; confined to English ports; even the interchange of productions, among their own harbours, along the Atlantic coast, limited and restricted, if not wholly forbidden; and these

clared independence and rose in rebellion when she imposed a small tax on their internal trade. Great Britain, vitally interested in our dissensions, which, had they ended in separating the States, would have left her marine without a rival, called herself neutral, but she drew the sword and demanded prompt satisfaction when Mr. Mason and Mr. Slidell were taken from the deck of one of her ships. Negro slavery, the vile pretence of which the South had been so long the victim—and no giddy-headed prince ever invaded his neighbour's dominions on falser pretences\* than those on which we gave the South no rest—found, and grievances of vassalage were regarded not intolerable until the disputes about the right of Parliament to impose an internal tax for purposes of revenue, which was taxation without representation, brought everything into debate, and our ancestors roused to the consideration of men's natural rights; which mankind had before that time not much considered, but which, ever since, has been, and now is, at the root of all reasoning upon the democratic problem.

\* When the end was attained, immediately Congress adopted the famous resolution that "the present deplorable "civil war" was waged in no "spirit of oppression, nor purpose of overthrowing or interfering with the rights or established institutions" of the Southern States, in the House by a vote of 119 to 2, and in the Senate 30 to 5 (*Congressional Globe, House, 22d of July; Senate, 25th of July, 1862*); and it was a correct expression of the feeling of the country.

left, after all the agitation of it, in the people of the non-slave-holding States, a feeling as true to the slave-holders as to themselves; but, instantly, the cry was war when the affront came at Fort Sumter.

#### SECTION XVIII.

##### AFTER THE WAR.

In a civil war begun by the South, the people of the North reaped the reward of a long neglect of all their duties; and here ended the first act of a long persecution, in malignity not exceeded by any religious persecution, when we consider the deep feeling of wickedness and hate which inspired the originators of it, the old abolitionists. In the nearly thirty years during which the South were unrelentingly pursued, they made many mistakes, but their crowning mistake was in forcing the war. It settled the old account and opened a new one.

The South were driven to despair by agitation, but not driven to war. All that can justify war is necessity, or success; and the Southern necessity was the necessity to exasperate their people and prevent accommodation. Success was out of the question, because the immense odds in favour of the North, and geographical considerations, rivers

and boundaries which could not be removed, to say nothing of men's honour, and the future of their country, were insurmountable bars to permanent peace on terms of disunion. A man may play with his own fortunes as desperate a game as he pleases; but statesmen, to whom are committed, or who have assumed to themselves, the care of the lives and fortunes of others, are bound to moderation, to prudence, and respect to circumstances. The Southern leaders threw away all chances but those of battle. The same want of moderation, stimulated by personal, selfish ambition, which, when nearly all the North sympathized with them, put the South on a career that was headlong, and limited and contracted Northern opposition to Mr. Lincoln's government to questions and considerations that were soon swept away in the torrent of war, characterized, to the last moment, the Southern leaders, and turned their faces against fair, liberal, and just accommodation, which the people of the North longed for, and, when it was too late, the people of the South. They forfeited those claims to statesmanship, justly earned long before, in better days, and till now possessed; and their right, the great right of revolution, they degraded to the untenable and paltry pretence of the right of secession.

But where have civil war and revolution left us? In England, their revolution of 1688, begun by the infatuation of a king, carried through by a foreign prince, with his army, the people taking no part, and the privileged classes none that was positive, till it ceased to be perilous, was as successful, the point of departure considered, as ours was in 1776, which had the people to back it; and it has left them institutions which have lasted two hundred years. In the United States, where there was no king to play the fool, only the people, their revolution of 1860 has left democracy clouded with doubts, and federal institutions, the only ones on which it can rest, staggering with consolidation.

## CHAPTER VIII.

## FEDERALISM.

## SECTION I.

## OUR SAFETY IS THERE.

THE President of the United States, whose federal patronage Franklin feared would make him a king, became the head of an alliance controlling all patronage, federal, State, and municipal. The great federal places, originally, were few; and the small, which were not many, were confined to the humble services of posts and customs. Such was the Constitution; let any man look at it to-day. Even before the recent enormous increase of patronage by the war, federal had swallowed up State power and become the centre of democratic corruption; the worst of all corruption, and the most ruinous.

How shall it be diminished? By the people doing their duty; and their first duty is to take into their hands the affairs of their States, their cities, their counties, their boroughs, their towns, their townships; all that Mr. Jefferson called their *ward republics*; thus, not amending the Con-

stitution, but our conduct under it, by depriving the centre of that usurped power over the States by which we are hurried, no man knows whither. Let us not lay these usurpations, and the corruptions which accompany them, to the door of the war, and the party now in power; they are a growth which had been sedulously cultivated for thirty years before the war began.

In 1774, what was called the Quebec Bill was objected to in the House of Commons because it provided for the appointment in London of the local legislatures of the Canadas. But the minister called to the bar of the House his witnesses, who testified that the people of Canada liked centralization, and did not want to elect their own legislatures. Those Canadians are yet a British dependency. Two years later, in 1776, the thirteen Colonies rose against the government in London because it took on itself the office of their local legislatures; they waged a war of rebellion, and, ceasing to be a British dependency, established themselves as a federal republic.

In that form of government, safety comes with the division of power, and this is indispensable when the power is democratic. That would be a perfect federal system where the citizen served the public as usefully, and sat as proudly, as a member

of the Legislature of his State or province, as in the halls of the central government; but this can never be; moreover, it is in the nature of human forces to be always gaining or losing; perfection alone stands still, and with us State power has lost ground and the central has gained. The State is the lesser influence, and attracts not the aspiring; but becomes to the politician who guides the destiny of the centre an inferior consideration. Mr. Jefferson was the champion of State rights; but when at the head of the Executive of the United States and no longer a member of the Legislature of his State, or its Governor or immediate representative, can we suppose he was capable of holding the balance true between State power and that of the Union whose chief he was? Who would be?

## SECTION II.

FEDERALISM IN ITS STRICTNESS WAS INSISTED ON IN 1787.

The tendency is to centralization. The States, having an instinctive fear of it, when they met in convention put themselves on a basis of adjustments, which were the compromise on which they rested the federal Union. To this compromise the people agreed, to it they might have disagreed; and one of the representatives of the small State of

Delaware, debating it, said that his State, if denied fair terms of union, by which he meant a vote equal to that of Virginia, then the most populous State, would withdraw and seek foreign alliance. None gainsaid the position, none questioned the right, none doubted that the State of Delaware was free to come into the Union, or to stand alone, or ally itself, if it would, with a kingdom of the continent of Europe, subject only to the understanding and law of all nations, that one country in the exercise of its rights must not derogate from the safety of others. The remedy for such derogation would have been war, the old and the universal remedy of nations. The violation of it by the State of Delaware would have been warrant for the other States taking up arms to reduce her to reason; as three of the States of Europe, Holland, Germany, and England, took up arms to prevent a French prince, though next in blood and the right heir, from ascending the throne of Spain and prejudicing common safety by giving undue preponderance to the house of Bourbon. There was no other bar to the threatened course of the little State of Delaware in 1787. The State of Rhode Island, which came into the Union under moral compulsion, might have persisted in the refusal to come in, but it would have ended in the physical compulsion

of war. So it would have been with North Carolina, which stood off upon the same principle.

The men who sat in the convention had not been taught, by use and experience, the perils of consolidation; the depths and shallows of the democratic flood on which they launched our barque were to them unknown; and the value of the States, as States, was a contested point, not yet understood. The idea of restricting their rights, and even of blotting them out, consisted with theories of that day. The convention thought the States too strong and the centre too weak; which was so under the Confederacy; but time and events have reversed it; and now, of all our problems, what ought to be the simplest and easiest is that which lies in the question between the federal principle and centralization.

### SECTION III.

#### FEDERALISM AN OBSTACLE TO THE EXCESSES OF DEMOCRACY.

Without the States, democracy would be despotism. The law-giver's art is displayed in breaking the force of power; we break it, when we divide judicial power among two or more tribunals; we break it, when we divide legislative power between a Senate and a House of Representatives;

but democracy is, of all others, the power of which the law-giver has to break the force, for what would be a constitution, or any writing, if democracy might read it as it pleases? Against democracy the States are the barrier; they are the only barrier. The sweep of the democratic wave is broken at State lines. Could those gentlemen of the convention, in their attempt have succeeded, who desired to see the States done away, they would have left us to the mercy of that ocean, the tempestuous ocean of democracy, which they so much feared. The States are, as a power, infinitely superior to what are called institutions, in the ordinary sense of that term, and which are artificial only.

Aristocracy is an institution, and is a power or barrier, but it is not like a State, indestructible, whose existence fire and sword only can destroy. Aristocracy is sanctioned by time, or exists by patent; and stands between the crown and the people, to aid the weaker and resist the stronger; in Russia it resists the crown, in England it resists the people; but no aristocracy can oppose such resistance to power as the States of this Union, which are integral parts of the country itself, and whose patent is population and territory. Aristocracy, an institution the use of which is to give

steadiness, the steadiness of birth, wealth, and hereditation, makes one citizen, without regard to merit or desert, another citizen's superior, which is odious; the federal system of the United States, leaving men equal or unequal according to their faculties, natural and acquired, and alike members of both organizations, that of the State and that of the Union, violates no instinct, offends no prejudice, and yet formidably and strongly resists that democratic power whose unchecked force would be the weakness of our government.

## SECTION IV.

## FEDERALISM IS STRENGTH.

In the antagonism of two forces we find our strength; our institutions are strong when central power is strong enough to unite the States and not more. Such an union is liberty, and it is liberty we seek. He who looks to centralization, to greatness, to our being a great and mighty empire, looks backward, he looks to barbarism; he looks forward who looks to the federal system giving us a safe and happy liberty; greatness will come only too fast. It is not the destruction of property, it is not the disturbance of society by the late war which causes, since its close, the changed condition of the Southern States; it is the consolidation of

their governments at Washington. Had their State power been left to them, and they had been permitted to regulate their home affairs, the wasting effects of war would soon have disappeared. During the war it was the States and their subdivisions, what Mr. Jefferson called "ward republics," which supported and carried it on. Far from being a hindrance to the central government, without the States the centre would have been chaos. Military operations may need a single hand, but no central power could have controlled the country to such untiring military efforts as were made, North and South, through the influence of the States.

It was a point not disputed in the British debates on the reforms of 1831-2, debates which might stand in honourable memory of that country were its other records blotted out. that institutions are not to be *made*. The most safe, solid, and permanent parts of ours are not what they made in 1787, but found made; protecting the old Confederacy, and which they left to protect the new. Fortunate are the law-givers who find made to their hand power capable of giving protection to their work. That, of the gentlemen who sat in the convention, those the most fearful of democracy should have been the most decided foes of State

power, might be called short-sightedness, did we not know that power, to be judged correctly, must be seen in action. They could not know in 1787 how the turbidness of democracy would be stirred by central power; and that the States were to be our conservative feature.

## SECTION V.

## EXTENT OF TERRITORY.

Whoever will glance at the map of our territory may ask himself the question, and answer it if he can, how we are to live in freedom after the State governments have been, not taken away, for that would be to let the whole structure fall to ruin, but after they have been, by processes of centralization, abridged of their powers. A country of such extent as the United States can be free only in the federal form; and it must not be a mockery; federal government or military is the alternative. The sympathy, sometimes wondered at, which has always existed between the United States and Russia, is one of the proofs of this. It is because they are extremes that they meet. If Russia were not, as she is, a despotism, there could only be a Russia as a federation of States; if the United States were not, as they are, a federation of States, they could be only a Russia and a despotism.

## SECTION VI.

## SECESSION.

In regarding the question of State rights, let us have no fear of secession. In 1860 secession was but a name, it was a revolution. No publicists, no tribunal however composed, of public men or theorists, could ever have found the doctrine of secession in the Constitution of the United States.

When the last clause of the sixth resolution of the Virginia draft of a Constitution "authorizing "an exertion of the force of the whole against a "delinquent State" came under consideration of the federal convention,\* Mr. Madison made an observation on it, which has been sometimes used to support the doctrine of secession; he said, "that "the more he reflected on the use of force, the "more he doubted the practicability, the justice, "and the efficacy of it, when applied to people "collectively, and not individually. An union of "the States containing such an ingredient seemed "to provide for its own destruction. The use of "force against a State would look more like a de- "claration of war than an infliction of punishment; "and would probably be considered by the party

\* Madison Papers, vol. ii. p. 761.

“attacked as a dissolution of all previous compacts  
“by which it might be bound. He hoped that  
“such a system would be framed as might render  
“this resource unnecessary.” But the system now  
existing, unknown to the Confederacy, by which  
the powers of the central government operate  
upon, not States, but individuals, had not then  
been matured; and in the debates on the adoption  
of the Constitution in the convention of the State  
of New York, Mr. Hamilton, a different order of  
mind and character from Mr. Madison, but, like  
him, a great and good citizen, and without whose  
unflagging zeal the Constitution could not have  
been vindicated from the objections made to it  
in New York, and that State would have joined  
North Carolina and Rhode Island and refused to  
ratify, in the same spirit with Mr. Madison, said,\*  
“It has been observed, to coerce the States is one  
“of the maddest projects that was ever devised.  
“A failure of compliance will never be confined  
“to a single State. . . . Here is a nation at war  
“with itself. Can any reasonable man be well  
“disposed towards a government which makes war  
“and carnage the only means of supporting itself,  
“—a government that can exist only by the sword?  
“Every such war must involve the innocent with

\* Elliott's Debates, vol. ii. pp. 232, 233; June 20, 1788.

"the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a government."

Mr. Hamilton and Mr. Madison did not mean that the Union was to exist at the pleasure of the parties; that States, delinquent in their federal duties, or disgusted with the delinquencies of others, might withdraw from a Union which had ceased to please them. They meant that to provide for war among the States, as a Constitutional means of union, was absurd. They provided for union; they did not provide for a dissolution of it. In administering the government, the use of force against States would look like, not a measure of justice, but of war and punishment; irreconcileable with the idea of union.

Had the framers of the Constitution put in it a provision that, in the event of a difference between the federal government and one or more of the States, the use of force against a State should be resorted to, pursuant to the decree of some high court of justice, constituted for this purpose, or pursuant to the unanimous vote of both Houses of Congress, or pursuant to a vote at the polls of the people of five-sixths of the States, the incongruity pointed out by Mr. Madison would have been not less obvious than it was in the clause of the

draft to which he so successfully took exception; for he moved, after the remarks which have been quoted, "that the clause be postponed;" the report adds, "this motion was agreed to *nem. con.*;" and, being rendered unnecessary by the system adopted of laws bearing upon citizens, not States, the clause was never again brought forward.

The dissatisfied State or States might adhere to their own conclusions, though the votes of Congress or the people against them were unanimous, or decrees of the courts never so clear. They might refuse to submit. The citizens of the South, when they put their authority to break up the Union on their attributes as States, were right if they meant revolution; if they meant their rights as members of the Union, they were not less wrong, neither were they more wrong, than they would have been had the Constitution of 1787 provided, in express language, against the right of secession; or had there been a decision against the exercise of the right by a Constitutional tribunal of undisputed supremacy.

## SECTION VII.

## THE DOUBLE ALLEGIANCE.

When Mr. Jefferson said no country ought to be as long as a century and a half without a revolution,\* he said too much; but let us not forget that in less than one century we have had two revolutions. None of our people will longer tolerate injury and affront than the Southern States did. The South were not patient, but they bore long with their afflictions. From 1835, when they began, to 1860, was twenty-five years; from 1808, when the Embargo, interfering with New England commerce, an infinitely small grievance compared with that of the slavery agitation, went into operation, to 1814, when the war, declared against England, in pursuance of the Embargo policy, brought three of the New England States to preparations for immediate secession, was but six years. The soundest principles are exactly those in which discontents make their nest; and the rights of the States have come into disrepute by having been so often their refuge. Mr. Jefferson's Kentucky Resolutions of 1798, even Mr. Madison's

\* Jefferson's Works, vol. ii. pp. 331, 332.

son's Virginia Resolutions of 1797, were nothing but discontents. Neither Mr. Jefferson nor Mr. Madison, when they came to the head of the government, could have administered it on such principles.

But it is not State rights, it is the opposite tendency which ought to be the object of fear. While disunion is the greatest misfortune these States could undergo, for nationalities are the work of time, and no hand can form them, it is not their greatest danger. It is consolidation, an enemy full of cunning, and always at the door.

When the Constitution of the United States was accepted by the States, what they feared, and what they paused upon, was centralization. It was their centralizing tendencies that destroyed the old federal party, the desire of what they called a high-toned government. When the democratic party fell in 1860, it was centralization, persisted in for years, which brought it to the ground. The party which succeeded to it maintains its power by centralizing practices which carry it every day nearer and nearer to the universal disgust of the whole public mind. Men are blinded by success. The party founded by Mr. Jefferson lost its way by long enjoyment of power, that is, by success; and the party which took its place,

blinded with success in a war against seceding States, has set up the victorious centre in opposition to the plainest rights of the States.

The loser in war need not ask for justice; had the Revolution of '76 failed, Washington would have been executed on Tower Hill. But though with the event of the war the secession dogma went down, and the consolidation dogma went up, the elements of things are unchanged and unchangeable; and like causes will, to the end, go on producing like effects. If we remain a free people, the same spirit that prompted the South to what they called secession will prompt the North, or the West, or the Middle, or any region where insult aggrieves or oppression tramples, to seek redress, and another conflict like that of 1860 will ensue, ninety-nine citizens in a hundred, as then, going with their States.

Mr. Clay once said in the Senate that his first allegiance was to the federal government, and after that to Kentucky; and he was right. The question was, whose was the supreme law under the Constitution. He was controverting nullification; in other words, the right of secession. But had Mr. Clay said that if his State were driven by injustice to revolution he would take up arms against her, he would have said more than any other man,

Washington *perhaps* excepted, could have been relied on to do.

Moreover, what is called the right of revolution is the power of revolution. It was not optional with those citizens who were in the minority in the Southern States, in 1861, to resist or submit when their States, by organized action and great majorities, set themselves up against the Union. It was necessity. This city of Philadelphia may be supposed to be as patriotic and disinterested as any like number of persons; but who believes that had the State of Pennsylvania seceded, the citizens of Philadelphia would have stood a siege for the Union, or, leaving all they had behind them, abandoned their firesides and taken shelter with an idea? Would the wealth and wisdom of the city have given that advice? would they have set the example? Would such conduct accord with either the nature of man, or that principle, the consent of the governed, on which our governments rest? When the city took up arms in 1861, it was a necessity, for the State was part of the Union. Had the State not been part of the Union, the necessity would have been to fight on the other side.

Ours is a double allegiance. The State is our country, the Union is our government, and though

we may have more than one allegiance we can have but one country; we love our country, we respect our government; one is a passion, the other is a duty. Laws and covenants unite the State to the Union, but nature herself binds the citizen to his State. Destructive to illusions, and disgraceful to democracy, as the civil war and events preceding and following it have been, their dangers not passed, their mischiefs perhaps permanent, a division of the country would have been worse; and worse for the South than for the North. But should centralization come to plague us, and the citizen be again driven to measures of despair, it would again be seen that the Union is a creature of policy, to adhere to which scarce a man would separate himself from his State.\* Who ever heard of the country of the world in which the people declared against their own homes? This may be human weakness; but it is a great inevitable fact.

\* The general-in-chief of the army, in 1860, stood by the Union, and made war on his State; and so did other officers, both of the land and sea service; for the sailor's and soldier's household gods commonly are found with his regiment or in his ship.

## CHAPTER IX.

DEMOCRACY HAS TO MAKE ITS WAY AGAINST ESTABLISHED IDEAS AND THE FORCE OF AUTHORITY.

## SECTION I.

## POLITICAL WRITERS.

Two celebrated writers, both of them kingsmen, thus, in the last century, approach the confines of democratic liberty: "If any ask me," says Mr. Burke,\* "what a free government is, I answer, for 'any practical purpose, it is what the PEOPLE think 'so; and they, not I, are the natural, lawful, and 'competent judges of this matter.'" Mr. Hume,† with greater reluctance, and more wrappers to his meaning, had said, not long before, "It is in vain "to say that all governments are or should be, at "first, founded on popular consent, as much as the "necessity of human affairs will admit. . . . I "maintain that human affairs will never admit of "this consent; seldom of the appearance of it.

\* Letter to the Sheriffs of Bristol.

† Essay on the Original Contract.

“But, that conquest or usurpation, that is, in plain  
“terms, force, by dissolving the ancient govern-  
“ment, is the origin of almost all the new ones  
“which were ever substituted in the world. . . .  
“My intention here is not to exclude the consent  
“of the people from being one just foundation of  
“government where it has place. It is surely the  
“best and most sacred of any. I only pretend  
“that it has very seldom had place in any degree,  
“and never almost in its full extent: and that  
“therefore some other foundation of government  
“must also be admitted. . . . The general obliga-  
“tion which binds us to government is the inter-  
“ests and necessities of society.”

Advance their principles a step farther, let the free citizen, whose government has “the consent  
“of the people,” a consent “surely the best and  
“most sacred of any,” stand sentinel over it, and  
that liberty to which these writers allow a theory  
acquires a reality.

## SECTION II.

### TRADITION.

According to immemorial use, as well as theory,  
power belongs to privileged classes, with, incum-  
bent on them, the corresponding duty of caring  
for the people. Such is tradition; and when in the

Old World they marvel at the license of the New, it is under the influence of a habit of thought which traces itself to times when liberal principles were unknown, and popular government impossible. Their ancestors think for them in Europe. Time leaves monuments behind it that are too much for the wit of man. These are the effects of a thousand years of history. There is no old country where the government is supposed to exist for the people; on the contrary, the people are supposed to exist for the government. Even in England, where they have a degree of respectability, and in France, where their title to it has been vindicated by successive revolutions, the people are thought to be usurpers; they are so regarded by the upper orders, they so look upon themselves.

Montesquieu, who wrote with the noble instincts of liberty, and every bias to free institutions, but in Europe, where everything stands still, measured by the American standard, supported his freedom, a century and a half ago, with institutions which can find no place in the world as we see it. His thoughts were of greatness and dominion; he had no thought of a republic like that of the United States, with life in every fibre, yet of tame, domestic habits. He had a society before his eyes, in his own country, where the peasants, once vil-

leins, and still loaded with unextinguished feudal liabilities, shared their vintage with the priest, ground their grain at the lord's mill, and, with their beasts of burden, were driven to work in the trenches, by the king's troops. Ignorant, and divided by provinces and dialects, they had no common object; hardly a common language; and the ends and uses of social combination were not understood. As communities they lived separate from one another, and as individuals had but few common and united interests.

It is to this traditional form of society the most liberal Europeans\* refer themselves in con-

\* Not excepting Mr. De Toqueville, who leaves his American reader, having before him the familiar facts, often more wondering at the author's ingenuity than satisfied with his deductions. Not that we would deny him what he has received, the highest praise, and from both the friends of liberty and those who would discourage it. Mr. De Toqueville saw a country, democratic, that is true, but with other features too; unfinished, provincial, where the past does not predominate, as in Europe, but made up of what Shakspeare calls the "ignorant present;" and for what he sees and puts down all to democracy, and then proceeds to reason from, there are often causes so simple, and so different from those imputed by him, that, mixed with much respect for a candid, philosophic writer, not a little admiration of his earnest desire to find the truth, and thanks for his French politeness to a people not much accustomed to it, and the most unqualified

sidering that of the United States; and the shadows of their opinions darken both their path and ours. But in this New World, though we denounce democracy often, and liberty sometimes, it is as the spoiled children of good fortune. It is not easy for us to believe Sir Robert Filmer was followed by disciples, and had to be met in argument by Locke. Without an ancestry, and the first people that ever had a fair start, to the American it is as if there never had been tyranny, and the

applause of that part of his book in which he traces democratic force and virtue to decentralization, we are reminded often in his pages of a traveller who, astonished at new objects, persists in finding the reason for them all. American women are chaste, American men are brave,—we are much obliged to him,—but it is because they are democratic !! And what does he mean by our *tyranny of majorities*?—a phrase in fact without meaning, though often in the mouth of less able and good men than Mr. De Tocqueville; unless, indeed, he means that where there is power we commonly find it exercised. In what part of the country did he see that peculiar American tyranny of mind, “*Vous penserez comme moi ou vous mourrez*”? (Vol. ii. p. 114, fifth Paris edition, 1836.) Could a man who had written of the days of Louis the Fourteenth and Louis the Fifteenth as severely as Mr. De Tocqueville, talk so? How did he discover the democratic inability to impose and pay taxes, put armies in the field, provide for the morrow, produce literary merit, foster the arts? We might multiply questions.

world began in light. Above all, and worth all the rest, he has the pride of country, the sentiment of nationality; every American citizen has his share in the honour and shame of his country; a consciousness unknown to the masses in Europe.

## SECTION III.

## INDUSTRY.

Virtue has been said to be indispensable to a republic, and its element to be the love of the republic. The author who has given to this observation such universal currency, his eye fixed on the mistress of the ancient world, and ignorant of more homely doctrine, which has been developed since his time, meant virtue and love of the republic as they prevailed at Rome, where the citizen was absorbed in the State, which was everything, while he was nothing; where there were no masses that had respectability; in effect, no people, no individuality; instead of which were classes, an institution fatal to true freedom; where the city had its palaces, and the man of the people his hut, and was without home or even privacy; where poverty was honourable, there being little for money to buy; and any labour but that of agriculture was ignoble, and performed by slaves. They did not respect industry; had no finance; lived on

the spoils of nations. The citizen found pursuing a trade was degraded, and struck from the lists of his tribe; his testament, if he had anything to bequeath, was annulled or confirmed at the pleasure of the city; so little did they regard the rights of property.

But the world has changed; poverty has ceased to be honour to the man, and no State can be poor and great. With labour, that has become respectable, has come a new era; thrift is honour, the industry which acquires is driving to the wall hereditary possession, whose measure is of past ages. The earth used to be the only producer, but now the fertility of man, his ingenuities and contrivances, with vast increase from the stimulated earth, multiply production, and, with it, individual wealth, happiness, liberty, independence, and enjoyment. At Rome there was war to make the citizen love the republic; was his love better than that of the American citizen who loves the republic that secures his industry? Property, which influences, and ought to influence to a degree, under whatever system, is well; it loves law and order; but industry is the rising wave; it gains, gathers, and accumulates; it is growth and activity, and loves the republic itself.

Could years be rolled back, that we might look

on those times when liberty had no existence, it would be seen that men were everywhere without industries. Industry is the handmaid of liberty; for, though there may be liberty without industry, there can be little industry, of any elevated sort, without liberty. Population consisted of two classes, those to whom the land belonged, and those who worked it, of whom none had what is known to us as an industry, but were persons bound to the glebe, and labourers as our negroes were. These two classes represented what modern policy calls capital and labour; capital was a master, labour was a slave. But industry has brought us a better day. The Dutch, so distinguished in arts, arms, and literature, and by their republican liberty, though it was short-lived by reason of want of population enough to resist their more populous neighbours, were an early example of the prodigies of a national industry. It is idleness that keeps back Spain, a noble country. It is the wealth and industry of France, grown up since the Revolution, which maintains, in a democratic society, the liberty of the French citizen. It was the more independent condition, than in the Continental countries, of the labour of England, undisturbed by invading armies, that laid there the foundations of freedom.

When Napoleon called England a nation of shop-keepers, he pointed to what made them what they are. It was industry which carried them through the wars with him, against a multitude of defeats in the field; it was Northern industry which carried us through the war with the South, against a multitude of defeats in the field. When the war began, the South had the ready-made soldiers, but the North had the wealth and industry, and soon made soldiers. It is no determination to be free that makes the citizen of the United States; his spirit has not that fierce quality supposed to belong to freedom. It is by no means Roman, a name that is often used by us, and with a well-established meaning, though not an application that is historically correct.

It may be said, though liberty is always noble, that much of ours derives itself from the spirit of thrift which maintains a character that years ago manifested itself in the very different form described by Tacitus. But fortuitous circumstances modify, unaccountably, the characteristics of a people. In their dissensions, at the end of the last century, the people of the northwest of France; and, between the years 1808 and 1814, the people of nearly all parts of Spain, with such arms as they could find themselves, made war, and resisted with

heroic valour what they thought was tyranny ; but in our late dissensions no such spirit manifested itself ; no such heroism appeared ; there was no resistance that was not made by organized armies. Was this the difference between a people who were enlightened, and had property and education, and a people who had but little of either, and were rude and ignorant ?

## SECTION IV.

## AUTHORITY.

Authority celebrates itself and writes down the people. Our ways, once, were held up to nothing but scorn ; even science taught that everything dwarfed in America. These were the teachings. The French Emperor said in 1808, and he was echoed by whatever his tyranny had left of literature in France, "*tout pour le peuple, rien par le peuple;*" but, vain man, could he have made the people he called *his* people what, since 1789, they had made themselves ? Of those two rivals for public favour, Mr. Hamilton and Mr. Jefferson. Mr. Jefferson was the less vulnerable character ; but he was the friend of the people, and that covered him with defamation ; Mr. Hamilton, more vulnerable, but orthodox and the friend of authority,

went comparatively unslandered. The abominations that sustained the revocation of the Edict of Nantes, in wantonness of cruelty exceeded the horrors of the French Revolution, which were horrors with a cause; but the revoker of that edict had instant celebration, and has remained, ever since, one of the heroes of history, while the men of the Revolution only began to be treated with any degree of mercy and forbearance some half a century after the fact.

No liberty has been so much written up as that of England, it is aristocratical; none has been the subject of such unmeasured vituperation as that of the United States, it is democratic. English institutions possibly are better, possibly worse, than they will be in the more democratic day that is coming, and which may be a total failure; but it is undeniable that their accompaniment, apparently their direct effect, is a very low condition of the masses of the people. Our American institutions may prove a total failure; but it is undeniable that their accompaniment, apparently their direct effect, is the high prosperity of the masses of the people.

## SECTION V.

## ENGLISH AUTHORITY.

In the earlier part of the last century, when men began to awake to their natural rights, philosophical minds of the Continent of Europe were struck with the composition of English society. They gave credit to the government; but it was a society, formed to independent thought and existence, on which they paused in admiration. Now, English authority, of all in Europe, has been the most liberal; but what administration of it can be named to which England is indebted for liberty, or for any portion or atom of it? What act, measure, or course of measures of any monarch, minister, or statesman exercising authority, and not acting under compulsion from without, can be named, to warrant such an attribution? If English authority could have had its way, uninfluenced by external pressure, instead of being voted their annual supplies by a legislature, they would be living on feudal rights and the proceeds of crown lands. England owes her prosperity to her liberty, and her liberty to the efforts of society. Without that she would have neither liberty nor prosperity; but there is no period of English history when au-

thority, left to its impulses, has not opposed any concession whatever to this liberty which has made the country all that it is. Were England united to the adjacent continent by a strip of land, making her government one of the sword, she would be a kingdom of the third order.

Liberty is the shame of authority in all countries; to a degree, in the United States. Of nothing was Charles the Second, in the seventeenth century, so ashamed as of the liberties of his country, not then much; blushing to acknowledge them to his cousin of France. The same shame mantled the cheek of the son of George the Third, in the nineteenth century, when, at the close of the long wars, between 1790 and 1815, by which liberty was crippled, the despotic sovereigns of the Continent visited him in London to exchange congratulations. Even political movements of mere humanity, improvements of the poor, of the prisons, of the law, have been forced on the English authority by society, and uniformly regarded by authority as loosening its reins.

## SECTION VI.

## FRENCH AUTHORITY.

France, so much cited contrariwise, is one of the evidences of the virtues and fortitude of society. By their Revolution of 1789, the French became a society highly democratic; and, though from that day they have never had stable institutions, and not much of really free government, each successive government, since 1800, which may be taken as the close of the Revolution, not excepting the First Empire, when military violence enabled the head of the State to regard more his own imperious will than that of the people, has found itself compelled to yield the point of the perfect equality of all before the law, to respect persons, to recognize the rights of property, to leave open to the meanest citizens the career of life, with full and free scope to pursue their individual happiness in their own way.

These were blessings unheard of while society rested on the aristocratic basis. A democratic frame of society has enabled them, and nothing else could have enabled them, to go through the trials and withstand the difficulties attending perpetual changes of rulers. With no other frame

could society have existed at all. The country must have lapsed into barbarism. Wealth and population have increased; material comforts, admitting men's wants ought to be measured like those of the beasts that perish, are more improved than in any other nation of Europe. It may be true that democracy, which, in France, has exhibited some of its worst features, prevents their finding a slavish repose under the old authority; but the fact remains, and it stands impregnable to all the reasoning brought against their capacity for democratic liberty, that this people, a people without special adaptation to freedom, but the contrary; not grave, not steady, without an educated lower class, passionately fond of that foe of liberty, war, of which it has experienced, since and before the Revolution, the bitterest trials, exists amid the contending kingdoms of Europe, its manufactures, arts, sciences, riches, and literature, all flourishing, indebted to no other source to which the most ingenious sophistry could trace their fortunes, but the democratic organization of their society.

## SECTION VII.

## AUTHORITY IN THE SOUTHERN STATES.

Before the emancipation of their slaves, the South, though weak in resources of wealth and population, were powerful as a society, and the North complained of their undue weight in the Union.\* They had, as a society, the tie of domestic slavery, which bound them firmly together. Authority, government, was a secondary consider-

\* No complaint ever was so well and ill founded: so well, because it rested in truth; so ill, because they were reproached with steadiness, with adherence to principles, with seeing to the representation of their States by the better sort of men. These were virtues that were forced on them by the weakness of their position as holders of slaves, and made easier to them by the simpler and purer manners of an agricultural people. No Northern man, though carrying with him his instinctive, irresistible aversion to slavery, ever saw the planting States without understanding this and respecting it. Life is not only "a mingled yarn," but a yarn most strangely mingled. The South were reproached with the means by which they earned their bread; and slavery was most surely a mortal curse; yet it not only consisted with, but it actually produced and sustained, a society, on the whole, less erring than existed in the more prosperous North, and, probably, than in the emancipated South will exist, without it.

ation. Had secession happened in the North, the discontented States would have been found disunited among themselves; but the slave-holding States went together, all in heart, and, all that could, in act. It is true that, of their population a portion being slaves, they lost much of that ingenuity, learning, education, thought, and other value of man, which comes not with the ignorant negro; and of their not homogeneous communities one portion could not be in perfect sympathy with the rest; but a society, so inferior in wealth and numbers as the South was, knitted together with the institution of slavery, had a tenacity which protracted the war with them, and made victory over inferior numbers and very inferior wealth difficult.

## CHAPTER X.

## PREDICTIONS.

## SECTION I.

## AMERICAN PREDICTION.

THOSE who founded our laws, in 1787, did not appreciate democracy, but they consented to it; and not only its roots are deeper, but its growth is more flourishing than then. Let those who would disparage it confess we have more prosperity than the men of '87 hoped, more democracy than they feared, more of both than we can account for, ourselves, who have them before our eyes, on any other principle than that the people are meant to take care of themselves. The greatest geniuses have failed in prediction. The federal gentlemen predicted that the absence of state and ceremony in Mr. Jefferson's government, and in his own republican manners, would be ruinous. They have proved an example to all who came after him.

In the First Congress, a committee raised by the Senate reported in favour of styling the President "His Highness the President of the United States

"of America and Protector of their Liberties;" but the more popular spirit of the House of Representatives declined to consider the subject. "What "can be," said Mr. Hamilton,\* insisting to the convention on the difficulties of establishing a representative government for territory so extended as that of the United States,—"what can "be the inducements for gentlemen to come six "hundred miles to a national legislature?" "Let "the people elect a President," said other members of the convention, "and you throw the choice into "the hands of the Society of Cincinnati."†

Prediction is always sure to assume premises which in the progress of events cease to exist, and they have no sooner ceased than the prediction falls. One hundred and fifty years ago, the national debt

\* Elliott's Debates, vol. i. p. 421; Yates's Minutes.

† Madison Papers, vol. ii. pp. 1205–1208 : Mr. Gerry, of Massachusetts ; Mr. Mason, of Virginia.

"This government will commence in a modern aristocracy; "it is at present impossible to foresee whether it will, in "its operation, produce a monarchy, or a corrupt, oppress- "ive aristocracy; it will most probably vibrate some years "between the two, and then terminate in the one or the "other." (George Mason: Elliott, vol. i. p. 496.) "It would "end either in monarchy, or a tyrannical aristocracy; which, "he was in doubt, but one or other he was sure." Same : Madison Papers, vol. iii. p. 1594.

of Great Britain was pronounced by the shrewdest, coolest, and most impartial observers to be ruin; and bankruptcy, it was said, must soon follow; the error of the prediction was in assuming a taxable basis, in ignorance of the fact that the basis would be enlarged almost beyond reckoning.

The world sleeps in some centuries; of late it has leaped forward.

The opinions of individuals who have never seen democracy, nay, of those who have seen and condemned it, of what avail are these opinions, or what ought they to avail, against the march of the world? There are subjects even in politics that are too vast for comprehension, and, as in religion, we must believe or disbelieve, but we cannot prove. In this new country of ours, where nothing is fixed but liberty, there is no stopping-place, when we have passed liberty, till we come to the rule of the sword.

In 1787, the members of the federal convention, holding as fast as they could to the English Constitution, which, since then, has so changed that they would not recognize it if they saw it, hesitated upon the Constitution of the United States. Jefferson did not hesitate about that; but see how short he fell in his conclusions; for if he was right about great cities and thick population, democracy

must be given up.\* "It is my principle," he said, "that the will of the majority should prevail. If "they approve the proposed Constitution in all its "parts, I shall concur in it cheerfully, in hopes "they will amend it whenever they shall find it "works wrong. This cannot deceive us, as long "as we remain virtuous; and I think we shall be "so, as long as agriculture is our principal object, "which will be the case while there remain va- "cant lands in any part of America. When we "get piled on one another in large cities, as in "Europe, we shall be corrupt, as in Europe, and "go to eating one another, as they do there."

Agriculture is no longer what it was, we are piled on one another in large cities, as in Europe, we are corrupt, as in Europe, and have gone to eating one another, as they do in Europe; but democracy has advanced notwithstanding; and the chances are more in favour of the people to-day than they were when Mr. Jefferson wrote in 1787. To say that he could not solve the problem is no disparagement of him; and is no more than is to be said in any century about what is to follow in the next.

\* Letter to Mr. Madison, Paris, 20th of December, 1787: Jefferson's Works, vol. ii. p. 332.

## SECTION II.

## PREDICTION IS VAIN.

To predict the success or failure of great social or political experiments, we must predict the career of the world, and the condition of mankind long after our time is past; an effort of which no mind is capable.

Science predicts. Columbus predicted, if not the discovery of a new world, the discovery of a new way to the old one, and made his prediction good, a great physical fact; but not, for that is a political fact, the result of combinations which none could foresee, that his new world would advance the liberty and improve the happiness of mankind. Gibbon said,\* triumphantly, in the earlier days of the French Revolution, predicting the downfall of democracy before the wealth and learning of society and power and discipline of governments, "In the civilized world the most numerous class is "condemned to ignorance and poverty." What he said was true in the last century, and is not untrue yet; but, through combinations unforeseen, then, that same class, still poor and ignorant, has become formidable in all the best parts of Europe. It may

\* Gibbon's Miscellaneous Works, vol. i. p. 271.

be true that the destiny of the world, if democratic, is to be bad, brutal, and tyrannical, like the monarchical, like the aristocratical. The French Revolution excited hopes and fears, hopes for the Jeffersons, fears for the Gibbons and Burkes; but there arose no prophet, not one man of the myriads of philosophers, thinkers, and writers on that great event, with anything like a correct political forecast of its consequences. They saw not the day when the degraded class was to demand liberty as a natural right, and none the less a right whether they abused it or not.

Hume wrote the history of his country, and never was it dressed in more charming philosophy; but when he came to predict, in his essay, "whether the British government inclines more to absolute monarchy or to a republic," his philosophy went for nothing, and his prediction was wrong. The French writers of the last century who took the field for liberty, for which they deserve the warmer commendation, because a literary merit so rare, do not seem to have formed the remotest idea of the upheaval to which they were contributing. Napoleon, a prodigious intelligence, lived when the world was at one of its climacteric periods; but in his whole career, and in all his voluminous writings and floods of conver-

sation and thought that have come down to us, it nowhere appears that, though sprung, it may be said, from what was but the people, himself, he had any just conception either what they were to come to, or what they were capable of. The same thing may be said of another far-seeing man, Francis Bacon, who, living at another climaestic period, poured his seminal ideas upon the world. Who would turn to his polities? Who would have turned to them even fifty years after his death, in the day of Hampden?\*

Time baffles us. Hamilton, a lover of his country, and a lover of liberty, thought posterity would not be enough governed, as Jefferson, that they could not be too little governed; he put his faith in government to work out the problem of liberty, as Jefferson, to the same end, relied on simple establishments and plain habits, the absence of luxury, the contempt of money. Hamilton, who died in 1806, lived to witness the eclipse of his doctrine; Jefferson has not been dead fifty years, and

\* In his day the great were worshipped; and he was one of the worshippers. He said of his king, Henry the Seventh, a crafty tyrant, that he was "a merciful prince; as in whose "time there were but three of the nobility that suffered. . . ." "As for the severity used upon those which were taken in "Kent, it was but upon a scum of the people." History of the Reign of King Henry the Seventh.

where is his? Washington, a colossus of a man, prophesied not; he may have had less confidence in democracy than his first minister, but he saw in it the greatest work men had ever undertaken; and he said to him, "he was determined the experiment should have a fair trial, and would lose "the last drop of his blood in support of it."\* He knew how vain it was to look into the seeds of time, and that even our own day is more than we can understand; for, though the world as it advances almost always improves, there never was a time, yet, when most of the wisest heads, if they could have been consulted about it, would not have counselled retrogression.

\* Jefferson's Works, vol. vi. p. 288: Letter of the 2d of January, 1814, to Walter Jones.

## CHAPTER XI.

## RECAPITULATION.

DEMOCRACY has been sneeringly called zero; and it may, without a sneer, be called *tabula rasa*, for it is only what the people are pleased to write; and they write, it must be admitted, in very dissimilar ways. In France it is equality. In England it is wages. In Italy and Spain, where skepticism and democracy abound, it is priests and soldiers. In Germany it is lectures. We began in America with admiration of the British Constitution, where the aristocracy do the work, and take their own reward, and the people's share is small of the fruits of the earth or the blessings of heaven. It was the ruin of its American disciples, for the people revolted against a policy which was to make them dependent on persons who regarded themselves as superior to the rest. They broke in, with their votes, and, setting aside this policy, put at the head of the government Mr. Jefferson.

There began their mistake; they dismissed themselves, then, to attend to their own affairs, leaving

those of the public to Mr. Jefferson, afterwards to Mr. Madison, afterwards to Mr. Monroe. All went well as long as they had men of the Revolution, which was a day of low wages and hard work ; or, it may be said, all went well till the country changed ; until, from being a country, poor, simple, humble, and colonial, it aspired to empire, pride, and covetousness ; when all went wrong. The same weakness which made English liberty fail in 1649, and French in 1789, the unwillingness, or inability, of the people, after possessing themselves of power, to use it, and its consequent transfer to a few hands, has been the failure of the people of the United States. They have the power, but they have not the control.

It has been a dispute whether the States or the people made the Constitution. If it was the people, and the words of the preamble are to be taken literally, *we the people do ordain*, they did not appreciate the magnitude of the task to which they summoned themselves. It was not enough to have good laws ; it was necessary to mount guard over them. True, no such thing had been seen by any living man ; perhaps it had been witnessed in no former age. It is very certain that in no modern age had the people thought themselves capable of it.

But looking at their conduct, as it ought to be looked at, they have not acted their part. They waited for rulers, and they came; not Cromwell, not Robespierre, not the man whom Franklin promised; but men of no reckoning, shoals of office-seekers and office-holders, came and volunteered to govern them.

The secret the people seem to toil to discover is how to have freedom without trouble; to invent institutions that will take care of themselves. Democracy, which never would have been heard of, in 1787, had not the people carried it through; which would have been overruled by the old federal party, soon after, had not the people, again, come to its rescue, neglects its work. It leaves it to an oligarchy, better and worse than that of their ancestors, better because not hereditary, worse because it is the oligarchy of hunger and nakedness, of plunder and corruption. Let him that doubts look around!

A very famous politician, to solve the problem, conceived the idea of giving to the people of his country power in the remote distance. They were to vote for voters who voted for others, and they voted for citizens who, again, chose other citizens on whom the power was to be conferred. It was thought a wonderful contrivance; but not only it

did not succeed,\* but it is exactly the system of straining influence from one rag to another, and forcing out of democracy an aristocracy, which American experience recognizes as the fruitful source of abundant mischiefs. Democracy is the people, or nothing.

How can it be republican to separate the people from power? But so effectually, by no more constitutional process than the arts of politicians, has it been done, that the people of the United States have lost the control of their affairs, though nearly every one of their federal administrations, for nearly sixty years, has affected to trace its origin to Mr. Jefferson himself.

Suffrage is the only Constitutional denotement of the people's will; but suffrage is nothing unless they prepare the ground for it. A great constructor of highways is reported to have said, "What you call the road is nothing but the "roof; the road is underneath." The suffrages of the people are a roof. The road is underneath, and the roof is nothing without support to it. In other countries of the world some man seizes power,

\* See it (*Le Consulat et l'Empire*, vol. i. pp. 73-111) described by Thiers, and the fate of all the projects of Sieyès for the French Republic, after the fall of the Directory in the year 1800.

and submits to suffrage a question that has no alternative. In the United States, power is not obtained by seizing it, but suffrage is as much trifled with as if controlled by a crowned head. What does this mean? Is it repugnance to the democratic task? Do we hate the trouble of it? Is citizenship irksome? There may be parts of Asia, but there is no part of Europe, where the people are despised and not represented; the sovereign nowhere despises the people, he endeavours to propitiate them; in other words, he represents them. Their will prevails when it does not too much interfere with his own. Is this to be the extent of American democracy? When Mr. Jefferson said, *educate the people*, he meant as citizens, not scholars. He is to be understood that popular government would be soon the worst government if the people took their eyes off it. It may be doubted how far the more educated classes are, as citizens, superior to the rest, till we come to the very bottom. They partake of every foible of humanity; they have no immunity from the heresies of political priests and doctors; and as to property, it is weakness as well as strength.

If the situation is not upon us to which Franklin, whose tendencies were democratic, pointed, when he said Executive patronage would bring us

to a master. has not that, for more than half a century, been upon us to which Hamilton, whose tendencies were aristocratic, pointed, when he said, “You nor I, my friend, may not live to see the “day, but most assuredly it will come, when every “vital interest of the state will be merged in the “all-absorbing question of who shall be the next “President”?\*

\* See a conversation between Hamilton and Governor Lewis, of New York, referred to in Hamilton's History of the Republic, vol. iii. p. 347.

## CHAPTER XII.

## CONCLUDING OBSERVATIONS.

## SECTION I.

## RECONSTRUCTION.

THOUGH in this day of demoeratic probation we were like beings translated to some new planet, where, to fix the qualities and magnitude of the simplest object; it must undergo the experiment of the touch; and though all problems whatever of democratic policy with which we have perplexed ourselves since the time of Washington were yet unsolved, and just as doubtful as when Jefferson and Hamilton divided in opinion upon the earliest, and perhaps the simplest, of them, there is one point on which the people ought not to pause, namely, that of giving themselves a representation that is equal to their own level, in every branch of the public service. This is not the work of statesmen; it must be done by the broad and general people. He is a bad citizen who gives nothing to his country; and he who gives only to the selfish ends of political reward, gives nothing. We

cannot live on statesmanship, though statesmen abounded; nor can there be statesmen till there are citizens. How are we to prosper without good citizens; without millions of them?

We fain would think the condition of the country, to-day torn with factions, is attributable to late and great events. We flatter ourselves. It is fruit gathered from a tree of our planting, fifty years ago, the fruit of a neglected democracy, which has become in our mouths dust and bitter ashes.

The people of the United States were treated by the politicians after the close of the war, in 1865, exactly as the Germans were treated in 1815, after the wars of the French Revolution. They were made nothing of. We had been promised union, and they had been promised liberty. When our war closed, the expectation of the people was to see, what they had been told, a thousand times, was to happen as soon as the last cannon was fired, a restoration of the Union as it had been, the reorganization of the States of the South, their Senators and members again in their seats in Congress, and their people and governments at home peacefully employed in repairing the ravages of battle. Nothing stood in the way. There was what General Grant called in his ex-

amination \* before a committee of Congress "a very fine feeling" manifested in the South," and the Northern policy was to avail ourselves of it. General Sherman's military convention of the 18th of April, 1865, with General Johnston,† providing for the re-establishment, forthwith, of the Southern States, was the true and correct reflection of the universal popular wish.

But what would have been the effect? Contentment to the people, not to the politicians. The Southern votes would once more have united with those of their Northern friends, and left the politicians then uppermost in a minority. To prevent

\* See General Grant's testimony before the Judiciary Committee of the House of Representatives, page 304 of the compilation of public papers 1865-70, by Mr. McPherson, Clerk of the House of Representatives. Published by Philp & Solomons, 1871, Washington. General Grant, in his report to the President of December 18, 1865, after his "tour of inspection through some of the Southern States," gives his conclusion that "they are in earnest in wishing to do what "they think is required by the government, not humiliating "to them as citizens, and that if such a course was pointed "out they would pursue it in good faith."

† It "guaranteed, so far as the Executive can, their political rights and franchises, as well as their rights of person and property, as defined by the Constitution of the United States, and of the States respectively." See McPherson, 1865-70, pp. 121, 122, for the convention at length.

this, a scheme was imagined, the most extraordinary that ever brought shame to a people, and indignation to the cheek of freedom, that of subduing and mastering the Southern vote by giving the right of suffrage to their emancipated slaves. The sudden transfer of dominion from the master to the slave, history afforded no precedent of in any country; it was ruin in a form more cruel than ever was conceived before.

The feeling against the poor blacks, a harmless race, so conscious of their inferiority that they had no desire to leave the humble position to which that Almighty power, whose decrees cannot be appealed from with impunity, had assigned them, was everywhere strong, and the question of elevating them to citizenship could not be submitted to the people with even the remotest chance of success. At a period when there were twenty-four States in the Union, every State had disqualified them, by Constitutional law,\* those of New England excepted, where there were almost no blacks to be disqualified. In 1865, in one of the New England States, the small State of Connec-

\* "The American Guide, comprising the Declaration of "Independence, the Articles of Confederation, the Constitution of the United States, and the Constitutions of the "several States composing the Union."

ticut,\* the majority against giving them the right of suffrage was 6272. In Ohio† the majority against it, in 1867, when all possible efforts were made to overcome the prepossessions of the people, was 50,629. In New York‡ a vote was taken, in 1860, on allowing them a vote without a property qualification. In the city of New York the result was, yeas, 1640; nays, 37,471; in the State at large, yeas, 197,503; nays, 337,984; in 1864, a like proposition was defeated; yeas, 85,406; nays, 224,336. In Illinois,§ in 1862, a vote was taken on the absolute and total exclusion of all negroes from the State limits, when the yeas were 171,893; the nays, 71,306; on granting them the right to office and suffrage, the yeas were 35,649; the nays, 211,920; for the enactment of prohibitory laws against their coming to or voting in the State, the yeas were 198,938; the nays, 44,414. No other votes of the people are known; but these may be taken as fair examples of the universal popular sentiment.

Give to the ruling party, besides their proper strength, a certain number of States controlled by

\* "For colored suffrage, 27,217; against, 33,489." McPherson, 1865-70, p. 120.

† Congressional Globe, 1868, January 31, pp. 876-878.

‡ McPherson, 1860-65, p. 241.

§ Ibid.

negro votes, and against the power commanding such an engine\* the rest of the Union might vote in vain. The government could not be changed at the ballot-box, and our relief, like that of the people of Mexico, must be found in revolution.

Great as the odds seemed to be against this dreadful scheme, and great as the crime must be of poisoning the fountain at which liberty must drink, party, with the means it had at its disposal, was not discouraged. The experiment began with what is called the thirteenth amendment, declaring slavery to be abolished in all parts of the United States. It was proposed to the States under a resolution of Congress of the 1st of February, 1865, and ratified without difficulty. The actual abolition of slavery had been effected, and the thirteenth amendment was a formal acknowledgment of what had already happened.

The next step was more difficult; the fourteenth amendment. It was proposed to the States under a resolution of Congress of the 13th of June, 1866.† By this the negroes were to be made

\* The States of the South would be like what, in England, were called Treasury Boroughs, members to represent which in Parliament were nominated by the minister of the Crown.

† "All persons born or naturalized in the United States, "and subject to the jurisdiction thereof, are citizens of the

citizens. The required constitutional majority of States to adopt an amendment is three-fourths. There were thirty-seven States. Twenty-one adopted, thirteen rejected, and three did not vote. In the Northern States it had a party vote in the legislative bodies, to which alone Congress committed the amendment. In the South it was everywhere rejected.\* They refused to make

"United States, and of the State wherein they reside. No "State shall make or enforce any law which shall abridge "the privileges or immunities of citizens of the United States; "nor shall any State deprive any person of life, liberty, or "property without due process of law; nor deny to any person "within its jurisdiction the equal protection of the laws."

\* "Virginia—Senate, January 9, 1867—unanimously; "House—1 for amendment. North Carolina—Senate, De- "cember 13, 1866—yeas 1, nays 44; House—yeas 10, nays "93. South Carolina—Senate; House, December 20, 1866 "—yeas 1, nays 95. Georgia—Senate, November 9, 1866— "yeas 0, nays 36; House—yeas 2, nays 131. Florida— "Senate, December 3, 1866—yeas 0, nays 20; House, De- "cember 1—yeas 0, nays 49. Alabama—Senate, December "7, 1866—yeas 2, nays 27; House—yeas 8, nays 69. Mis- "sissippi—Senate, January 30, 1867—yeas 0, nays 27; "House, January 25—yeas 0, nays 88. Louisiana—Senate, "February 5, 1867—unanimously; House, February 6— "unanimously. Texas—Senate; House, October 13, 1866 "—yeas 5, nays 67. Arkansas—Senate, December 15, 1866 "—yeas 1, nays 24; House, December 17—yeas 2, nays "68."—McPherson, 1865-70, p. 194.

themselves hewers of wood and drawers of water to their slaves.

Congress at once fiercely turned upon the ten late slave-holding States, of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, to which they had appealed as States of the Union, to adopt the amendment, and of whose adoption of the thirteenth amendment they had availed themselves. They declared, in what were called the reconstruction acts, that "no legal State governments or adequate protection for life and property" existed in those States, annulled their civil authority, divided them into military districts, and ordered elections under military officers to be held for the adoption of the fourteenth amendment, the negroes voting.\*

\* See Acts of the 2d of March and 23d of March, 1867, by which it was enacted that whereas no legal State Government or adequate "protection for life and property now exists "in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, "Texas, and Arkansas, said rebel States shall be divided "into military districts and made subject to the military "authority of the United States," the President to "detail a "sufficient military force" to that end, and "all interference "under colour of State authority with the exercise of military "authority shall be null and void until the people of said

It was done. On the 20th of July, 1868, the Secretary of State, whose official duty it was, under

"rebel States shall be by law admitted to representation in "the Congress of the United States; any civil governments "which may exist therein shall be deemed provisional only "and in all respects subject to the paramount authority of "the United States to abolish, modify, control, or supersede "the same," and until they shall be admitted to representation "all persons shall be entitled to vote," "of whatever "race, colour, or previous condition, who have been resident "in said State for one year," "except such as may be dis- "franchised for participation in the rebellion," who are de- scribed to be, all who have "given aid or comfort to the "enemies of the United States," namely, nearly the whole of the white population, and, before the 1st of September, 1867, "the commanding general in each district," etc., "shall cause "a registration to be made" of voters, excluding disfranchised persons and including negroes, and "shall appoint as many "boards of registration as may be necessary," and after the registration is completed, "at such times and places therein "as the commanding general shall appoint and direct," "an "election shall be held for delegates to a convention for the "purpose of establishing a constitution and civil government "for such State," the delegates "to be apportioned among the "several districts" "by the commanding general," and, there upon, elections shall be held to determine for or against a convention, the election returns to be made to "the command- "ing general," who is to open the returns and "make procla- "mation thereof;" and if the majority of votes be for a convention, "the commanding general within sixty days" is

Act of Congress of the 20th of April, 1818, to announce in the newspapers, in which were published the laws of the United States, the adoption of constitutional amendments, made his publication.

Let it be observed that in voting constitutional amendments the States exercise their sovereignty; they are remitted to their vote to adopt or reject parts of a constitutional compact which, in 1787-8, they voted to reject or adopt as a whole. There is no power in the federal government, neither in Congress, nor in the President, nor in the judges, nor in all combined, to amend the Constitution; or to give notice to the delegates elected to assemble in convention and frame a constitution, to be submitted to the voters at an election held as the election was held for delegates, "and the returns thereof shall be made to the commanding general of the district;" and if the votes shall ratify the constitution, which must "provide that the elective franchise shall be enjoyed" without regard to "race, colour, or previous condition," a copy of the constitution is to be forwarded to the President, who is to transmit it to Congress, and, if the provisions of the reconstruction acts have been all complied with, one of them being that the "State by a vote of its Legislature" shall have adopted the "amendment of the Constitution of the United States" "known as article fourteen, etc.,," and the said State "constitution shall be approved by Congress, the State shall be "declared entitled to representation, and Senators and Representatives shall be admitted therefrom."

declare it amended. The statute of 1818, for public convenience, no more, made it incumbent on an administrative officer, the Secretary of State, to publish amendments in the "newspapers authorized to promulgate the laws, with his certificate, "specifying the States by which the same may "have been adopted." The States exercise the power, the Secretary of State makes publication of it.

The responsibility for the reconstruction laws, ordering, as they did, military elections, and the negroes to vote themselves the right of suffrage; as if female suffrage were made lawful by women voting it under the protection of the army of the United States; was divided among hundreds of persons, namely, the different members of the two Houses of Congress; but the Secretary of State, Mr. Seward, had now, alone, to vouch that this fundamental change, effected by fraud and force, was free, lawful, and constitutional, and put his name and the seal of the United States to it. This he refused to do.\* He stated two difficulties: first, that of counting States where the negroes voted themselves citizenship at elections held under military authority; and, second, an equally obvious

\* See Mr. Seward's publication of the 20th of July, 1868: McPherson, 1865-70, p. 379.

difficulty, that of counting the States of Ohio and New Jersey, which, at first, voted adoption, and then changed their votes and voted to reject. Could they change their votes? Were they to be counted, or not? If they could change their votes, there were not three-fourths of the States for adoption. If they could not change, could the six States of Florida, North Carolina, Arkansas, Louisiana, South Carolina, and Alabama, which were now returned as voting for the amendment, but which at first voted against it? If a State could change its vote, two votes were wanted; if it could not, six votes were wanted.

Congress, the day after Mr. Seward's refusal, by joint resolution declared the amendment part of the Constitution of the United States.\* What is

\* Were these proceedings violence, also, upon arithmetic? When the 13th amendment passed, there were 36 States, and 27, which is exactly  $\frac{3}{4}$  of 36, voted for it. (See Mr. Seward's publication, McPherson, 1865-70, p. 6.) One more State had since come into the Union, and there were now 37 States. It was claimed that 29 States voted for the 14th amendment; 8 against it. In counting generally, dollars for example, 29 is  $\frac{3}{4}$ , and more than  $\frac{3}{4}$ , of 37, for the dollar can be taken by fractions, halves, quarters, etc., thus:  $\$27\frac{3}{4}$  is  $\frac{3}{4}$  of  $\$37$ . But a State cannot be divided, like a dollar, to count for the  $\frac{3}{4}$  majority. If this be so, the way to count is to take, first, that number of States of which  $\frac{3}{4}$  is a multiple, then take  $\frac{3}{4}$

the moral of this tale, the most disgraceful of all in American history? The moral is that the people had come to be nothing but a despised crowd. It had been long since the few accounted to the many; and these deeds of reconstruction were the deeds of politicians who were responsible to them-

of that number, then add to the original number the additional State or States; and, without dividing any of them, but taking their number as a whole multiple of 4, add their  $\frac{3}{4}$ , thus:

Of 36 States, the assenting  $\frac{3}{4}$  were . . . . 27

The additional State must be one of 4, of which

there must be assenting . . . . . 3

Making requisite, for a  $\frac{3}{4}$  majority of the 37 States,

assenting States . . . . . 30

There were but assenting States . . . . . 29

Seven days after the joint resolution, and eight days after his first publication (McPherson, 1865-70, p. 417), Mr. Seward made another, in which he says that Georgia, also, after having refused had now assented, and putting himself, not on the facts, not saying that the department had notice that the amendment "had been adopted according to the provisions "of the Constitution," as the law of the 20th of April, 1818, required, but that the States had "taken the proceedings "hereinafter recited upon or in relation to the ratification of "the said proposed amendment," which he does not answer for, puts himself on the joint resolution of eight days before, and declares the amendment adopted.

selves. As was said by one of the makers of that Constitution these men trifled with,\* though himself no friend of the people, “Every one knows “that where responsibility ends, fraud, injustice, “tyranny, and treachery begin.”†

## SECTION II.

## POLITICAL MISTAKES.

Great mistakes have been made about democracy, and even about liberty. Mr. Fox and his friends, in and out of Parliament, thought French liberty established, and so thought nearly all France, when the Constituent Assembly made their Declaration of the Rights of Man, and the rush followed to the Tribune, of priests and nobles,

\* Gouverneur Morris, in his letter, quoted *supra*, of the 5th of February, 1811.

† The fifteenth amendment, which declared that the right of no citizen of the United States to vote, whatever his race, colour, or previous condition of servitude, should be abridged by any State, depends, for its effect in giving a vote to the negro, on the fourteenth amendment, by which is taken from the States the right to say who are their citizens. It was published by the Secretary of State the 30th of March, 1870, and obtained by similar means. It depends for validity on the fourteenth in this, that without the fourteenth each State would regulate its own suffrage.

to lay down their titles, tithes, feudal rights, and prerogatives; but it was a mistake.

The five-and-twenty millions of French were the same creatures they had been the day before; not able to take care of themselves, still less of the State; and Committees of Safety, Constitutional and National Conventions, Directories, Consuls, Emperors, Kings, Republics of all sorts, have followed, each falsely promising to the people that liberty which Mr. Fox thought they had long before, and which they never would, to this day, have had a particle of, but for those efforts of their own, which brought about democracy; not government, only democracy, and democracy not grafted on laws and constitutions, but a natural growth; the effect of their owning their lands and working for themselves.

The people of the United States thought they had only to riot in their liberty after they had secured their independence; which, also, proved a great mistake; and in 1787, to save liberty from the shipwreck of disorder, the Federal Constitution was resorted to. In 1860, the Federal Constitution itself was wrecked, and liberty got among the breakers; and still labours with the tempest. But we were not, either in 1787 or 1860, like the French in 1789, a people just emancipated from the vassal-

age of ignorance. We were as free as any people ever were. We were a democratic society, and had no first step to make. It is undeniable that it was the people themselves who prepared the crisis, both in 1787 and 1860. The country had been in their uncontrolled keeping. From 1776 to 1789 we had a very insufficient government; but from 1789 to 1860 we had what was called, and, it may be, was the best in the world, yet we broke down.

If the view which has been taken of the immediate causes of the crisis of 1860 be wholly and absolutely erroneous, still the fact remains that a spirit of faction, whether of the South, or of the North, or both, overcame us in the midst of the enjoyment of the very highest worldly prosperity; and it was the faults of the people that brought the country to the verge of ruin. Though there had not been a negro slave in the whole country, those faults would have brought us down.

As a people, we are very unlike the French, and our condition, bounded by two oceans, with a continent to ourselves, is far from that of a people of the European Continent, with their neighbours' bayonets always at their throats; but we are in the United States, and have been for many years, as the French are, a democratic people, with a government plunging from bad to worse.

Our ancestors feared democracy, so did their ancestors, and the ancestors of their ancestors for ages. The masses of the people differed with them, and pledged instincts against wisdom; a pledge not yet redeemed or forfeited. To put the wise in the wrong, the people must become sentinels of democracy, and cease to be only devourers of its fruits.

Its progress for a few generations has been said to mix the elements, and bring down among the poorest and lowest of the community the descendants of those who, but just before, were the highest, and raise up to be the highest, if they have merit, the humblest and most despised. This is democracy and natural justice, a crucible in which many prejudices of this country and an infinity of those of the older ones will be melted down; whether for good or ill the future will say.

### SECTION III.

#### DESTINY.

We talk of our destiny. Wisdom is destiny; weakness is destiny. What we call destiny is nothing but the conduct of men; it is subject to courses of folly, to counsels of prudence. With untoward events we cannot flourish. The mill of

democracy will not grind everything. Our destiny trembled in the balance in the late civil war. If the country had been broken in two pieces, it would have been broken in twenty, and then what would have been our destiny? See the consequences, to-day, before our eyes, of a short war fought by two parties, and imagine the effects of ten or twenty years' slaughter and confusion among as many petty States. If the war had gone in favour of the South, and the North were now in the condition the South is in, would we think we flourished? Until now, no country of which there is any record ever was in a worse condition nine years after a revolution was over, than it was before it began.

Governor McKean,\* writing to Mr. Adams, reckons the quota of population that supported the revolution of 1776 : "In your favour of the 26th of November last, you say that you ventured to say that about a third of the people of the Colonies were against the revolution. It required much reflection before I could fix my opinion on this subject; but on mature deliberation I conclude you are right, and that more than

\* Thomas McKean, member of the Confederate Congress, signer of the Declaration of Independence, Governor and Chief Justice of Pennsylvania under the Constitution.

"a third of influential characters were against it."\* The revolution these veterans, crowned with success and honour, were reviewing, was a political revolution, and led by heroes. What would they have thought had they been told that, in less than fifty years, another revolution would come, social as well as political, not led by heroes, indeed, without any leaders at all, for those who led wanted to go in quite another direction? If they had been told then that in 1860 their descendants would send hungry delegates to miserable conventions, to inaugurate a revolution, not with a third of influential characters against it, but every thinking man in the whole country, they would have trembled before such a destiny. Where would be our destiny if instead of Mr. Jefferson's acquiring Louisiana, in 1803, from the French, the English had conquered it from the Spaniards, in 1800, and become our neighbours along the whole line of our western frontier?

Demagogueism tells us it is our destiny to be free without care, without effort; by race. Race is much; our mistake is in supposing there is a race superior to all the rest, and that our own. We overrate ourselves. Had the Spaniards who

\* See his letter of January, 1814: *Life and Works of John Adams*, vol. x. p. 87.

colonized the southern parts of the American continent found there, instead of gold and precious stones, a soil yielding only the reward of hard work ; had they not been under pupilage to vice-roys, with vice-regal courts and great establishments ; had they not been shut off with monastic jealousy from the rest of the world, and ruled, as the Austrian and Bourbon families ruled people, and down to so recent a period as that of the war of independence, in Spain, which began in 1808, and produced the independence of the Colonies as well as of the mother-country, the Spanish blood might have been boasting, and with as much reason as ours, that it was the blood of freedom. If our English ancestors owe such freedom as they have to geographical position, to their inhabiting an island, let us ponder well how much we owe to inhabiting a new world of sparse population and abundant food.

It is hard to tell where liberty will flourish. The people of Scotland have been taught freedom by their association with the people of England. Compare the qualities of the two people, and the inference would be that England would have to borrow freedom from the Scotch. If to keep alive liberty to the point of democracy require exceptional qualities in men, what people shall enjoy it ?

Are we to think that if the Swiss, or the Dutch, little nationalities that conquered their freedom from giants, had settled this coast of ours, and could have protected the infancy of their Colonies, their descendants would not be free? Liberty has been cast upon us, and not too well used. As Colonies, till the Stamp Act passed in 1765 we complained of nothing; and after its repeal, of nothing, till the Townshend Act of 1767, when our troubles began again. The narrative in the Declaration of Independence takes up our story after the quarrel had begun.\* Our poverty did not tempt the home government. They did not trample on us. Troops were not sent to oppress us and eat out the substance of the people; our burdens were self-imposed; provincial rule was

\* See what Franklin said to the House of Commons in February, 1766: "The temper of America towards Great Britain before the year 1763 . . . was the best in the world. They submitted willingly to the government of the crown, and paid, in their courts, obedience to the acts of Parliament. . . . They cost you nothing in forts, citadels, garrisons, or armies to keep them in subjection. They were governed by the country at the expense of a little pen, ink, and paper; they were led by a thread." Sparks's Franklin, vol. iv. p. 169. And see the Address of Congress to the people of Great Britain even as recently before the Declaration of Independence as the 5th of September, 1774.

without pomp. When the war of the Revolution came, it was a duel fought on the point of honour; it was not, like most wars of rebellion, the desperate effort of a wretched people to redeem themselves from bondage and misery. We fought for ideas. Twelve Colonies took up the quarrel of one, in which, and perhaps in all the Colonies, but less in some than in others, the idea of independence, contending with attachments to England, long had been ripening. To this day of our national life we have been put to but one great test. The lives of nations, like those of individuals, must be a struggle; but, down to the time of the civil war, comparing our miseries with those of the rest of the world, our wars with theirs, our commotions and their events with commotions and events elsewhere, what has there been to swell the democratic flood beyond its banks? It is misery that ruins nations, and their liberties, if they have any. We, first, began our acquaintance with it in 1860. We had our hardships in the Revolutionary war, and our difficulties under the old Confederacy when the war was over; and afterwards, in settling the poise of our new institutions; again, in the formation of parties, amid distractions arising out of the earthquake in France; our neutral position was difficult among

the contending parties to the hostilities that followed; but how small were these to the troubles with which the rest of the world laboured! It may be truly said that there has been no day of our short life when, if democracy had sunk into the earth, the aristocracies of the world might not have clapped their hands, and shouted over us in just and reasonable exultation.

Our destiny was democracy, and that is already fulfilled, for we never shall be more democratic than we are. The rest, which is the means of enjoyment of it, is uncertain. It depends on ourselves. We may be more free, more happy, more prosperous than we are, or less. What may we justly boast? That we are an intelligent and energetic people unfettered by prejudices. But their intelligence and energies, politically, have been directed for them, not by them.

Is democracy to prove so poor a thing as bad government, with the right in the people to change it when it becomes insufferable? Is the democratic era to give us nothing better than the monarchical and aristocratic? The American citizen gives to his country ten minutes in the year, the time required to cast his vote; he must give ten hours. Let him do no more than that, and the people will be represented; government will reflect the people,

and when they are reflected, democracy can do no more. Time must do the rest. It is not certain that under the influence of the people government will go well; but it is certain that without it all must go wrong.

We do not need the tonic of a war to nerve our institutions, the idea which Gouverneur Morris\* attributed to Hamilton. Time and habit will do it; the government will gain respectability, and the people will not lose it. They are a cement that gives respectability to things in older countries, which men accustomed to liberty can scarce believe when they behold them.

Nearly everywhere in Europe, except in England, are to be seen soldiers, and there an assembly of a few hundred common-looking men settle everything, for no other reason than because they are supposed to represent the people; as some of them do, but all profess it.

The wants of liberty may be irreconcileable with speculative thinking; public suffrage may be gross, the press a monster, jury trial unintelligible, and, as to deliberative bodies, they have been, at all times, the ridicule of high intelligences, their delays, their hesitations, their uncertainties, their many absurdities.

\* See his letter, *ut supra*, of the 5th of February, 1811.

If our government is to be strong, its strength must come from below. It can never have a strength of its own, till the day comes for government which is strong because either it is aristocratic, or is maintained by soldiers. Locke, a friend to liberty, when he put his hand to institutions for the Colony of North Carolina, did not recognize this fact, and failed. Franklin was one of the most practical of men; but, with the ideas of his day, he had it put into the Constitution of Pennsylvania that no change should be made in it by the people without first obtaining the consent of a board of censors. He wanted to check the people, and they cancelled his constitution, board of censors, and all. There may be checks, and there may be balances, that is, checks and balances of delegated authority, one department checking another; but power itself, what is to check that?

What shall check the power of the people? The true and only answer is, the power of the States, and their subdivisions, down to the *ward republics*. Said Mr. Dickinson,\* whose high-toned opinions, in the convention, have been quoted, "If ancient republics have been found to flourish for a moment only, and then vanish forever, it only proves that they were badly constituted; and

\* Madison Papers, vol. ii. p. 778.

"that we ought to seek for every remedy for their "diseases. One of these remedies he conceived to "be the accidental lucky division of this country "into distinct States; a division which some seemed "desirous to abolish altogether. . . . In case of a "consolidation of the States into one great republic, "we might read its fate in the history of smaller "ones."

There is not one fault of the institutions of the country, which they vainly would attempt to correct by constitutional change, that is not open to correction by the people themselves. Let the people so administer them as to give, in the Union, their independence to the States, and, in the States, their independence to local governments.

In the Virginia Convention of 1829, where many good and sensible men met to consider forms of government, and the question was upon limiting suffrage, one side said, If you fix a limit, what is it to be? If of money, how much money? If of knowledge, how much knowledge? You will find nothing, such was the argument, that is not open to the question how much, but the land. The land, said they, is universal, and the choice is between freehold suffrage with a great universal natural boundary, and, what you choose to call universal, with no boundary at all. But how are

the land-holders better than the others? It is the neglect of the duties of citizenship that we find to be the difficulty, and the holders of property are the most neglectful of all.

THE END.













